

**RULES  
OF  
DEPARTMENT OF SAFETY  
DIVISION OF COMMERCIAL VEHICLE ENFORCEMENT**

**CHAPTER 1340-6-1  
RULES AND REGULATIONS AS TO SUPERVISION AND CONTROL  
OF MOTOR VEHICLES AND MOTOR BUSES**

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**1340-6-1-01 APPLICATION.**

- (1) Every application for a certificate of convenience and necessity contract hauler's permit and/or interstate permit must be in writing and on forms prescribed by the Commissioner of Safety
- (2) All motor carrier applicants for certifications of convenience and necessity contract hauler's permits or other permits where notice is required shall deliver a notice of the application in person or by first class mail postage prepaid to carriers operating in the territory either directly off the proposed route or on any adjacent route serving the same or adjacent points. Said notice shall contain the date application is filed type of permit sought and route description. Each applicant shall execute a certificate of service to be filed with the application certifying to the Commissioner of Safety that all said parties have been served by the applicant with notice of the filing of said application. No application shall be received or filed unless accompanied by said certificate, duly executed by the applicant. Forms may be obtained from the Commissioner of Safety upon request.

- (3) All applications shall include: a complete tariff, as described in rule 1340-6-1-.10 or 1340-6-1-.11; a recent financial statement, which provides a breakdown of the applicant's total assets, total liabilities and net worth an equipment list, that states the number, make, model and type of equipment the applicant has available; a route description, that is accurate and clear on its face; an ownership description, which sets forth the form of the applicant's business structure and the names of individual owners and managers; and if appropriate, copies of any contracts under which the applicant proposes to operate and a description of the commodities the applicant proposes to transport. At the time an application for authority is filed the applicant shall name his attorney, if any, and the attorney's name will be included in the notice set to interested carriers. No application shall be received or filed unless accompanied by the information described above.
- (4) Every application for a Certificate or Convenience and Necessity or Contract Hauler's Permit transport general commodities filed after the effective date of this rule shall be deemed to exclude the following classes of commodities unless each applicable class is specifically enumerated in the application and applicant's notice to carriers operating in the proposed territory: Classes A & B explosives, commodities in bulk, household goods and commodities which because of their size, weight or shape require the use of special handling or equipment.

**Authority:** T.C.A. §§65-2-102, 65-15-106, and 65-15-107. **Administrative History:** Original rule certified May 9, 1974. Amendment filed November 9, 1984; effective December 9, 1984. Amendment filed June 27, 1986; effective September 13, 1986. Rule 1340-6-1-.01 was transferred from rule 1220-2-1-.01 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.02 FILING FEE.** All applications for a certificate of convenience and necessity or contract hauler's permit must be in writing and accompanied by a filing fee of \$50.00. All other motor carrier petitions, including interstate permits, transfers. petitions to intervene or rate increases must be accompanied by a fee of \$25.00 except as set forth hereafter.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original rule certified May 9, 1974. Amendment filed March 17, 1977; effective April 18, 1977. Amendment filed October 20, 1983; effective January 16, 1984. Rule 1340-6-1-.02 was transferred from rule 1220-2-1-.02 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.03 OPERATION MUST BEGIN WITHIN THIRTY DAYS.** Every applicant for a certificate or a permit must comply with the provisions of the order authorizing such certificate or permit to issue and must actually begin the operation called for under such certificate or permit within thirty days from the date of the order, or within the time fixed by the order, otherwise the order will become null and void without further notice or action by the Commissioner of Safety.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.03 was transferred from rule 1220-2-1-.03 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.04 TEMPORARY SUSPENSION OF SERVICE.** In case of an emergency the holder of a certificate or permit shall apply to the Commissioner of Safety for permission to suspend service for period of not more than fifteen (15) days, as provided in T.C.A. 65-1-112.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original filed certified May 9, 1974. Rule 1340-6-1-.04 was transferred from rule 1220-2-1-.04 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.05 SALE OR TRANSFER.**

- (1) No certificate of convenience and necessity or interstate permit shall be sold, assigned, transferred or leased without the approval of the Commissioner of Safety. All petitions for transfer of authority or assets shall be governed as follows:
  - (a) A petition must be filed in writing, signed by the transferor and transferee and accompanied by a filing fee of twenty-five dollars (\$25.00).
  - (b) The petition must have attached thereto a copy of the sales contract and financial statement of the transferee.
  - (c) The petition must further contain a certification, at the time it is filed with the Commissioner of Safety, that notice has been given to all interested or affected motor carriers, or motor carriers providing like service in the same territory, advising said carriers that the petition is to be filed with this Commissioner of Safety and that said carriers have fifteen (15) days from the date of filing to enter a protest or objection to said petition with this Commissioner of Safety.
  - (d) That no petition for sale or transfer of a motor carrier's authority or assets shall be disposed of by the Commissioner of Safety until the same has been on file with the Commissioner of Safety for twenty (20) days.
- (2) Pending final agency determination of a petition seeking the sale, transfer, or lease of the authority of a motor carrier in federal bankruptcy under paragraph (1), the trustee in bankruptcy or the bankrupt carrier's debtor-in-possession may petition the Commissioner of Safety to approve the operation of the properties sought to be acquired by the carrier proposing to acquire those properties on behalf of the bankrupt carrier. The petition for temporary approval shall be governed as follows:
  - (a) Temporary approval of the operation of the properties sought to be acquired may be granted where a petition for temporary approval includes a verified statement of the trustee in bankruptcy or debt or in-possession that failure to grant the approval will likely diminish the value of the assets of the bankrupt carrier and that the grant of approval will not create any new service to the public.
  - (b) The petition must include evidence which demonstrates that substantial operations under the operating properties have been conducted for six months prior to ceasing operations. Substantial operations may be demonstrated by the inclusion of an abstract of freight bills which evidence traffic moving under the operating properties for six months prior to ceasing operations.
  - (c) Operations under the temporary approval cannot be used to support the pending transfer petition. Temporary approval shall in no way prejudice the right of any motor carrier to object to final approval of the petition nor shall the granting or denial of temporary approval have any legal effect upon the agency's final determination of the petition to transfer.
  - (d) A petition for temporary approval must be filed in writing by the trustee of the bankrupt carrier or the bankrupt carrier's debtor-in-possession and accompanied by a filing fee of twenty-five (\$25.00) dollars. Copies of any lease, contract, or other documents describing the rights and obligations of the parties under the proposed, temporary arrangement must be included in the petition.
  - (e) The petition must contain a certification, at the time it is filed with the Commissioner of Safety, that notice has been given to all interested or affected motor carriers, or motor carriers providing like service in the same territory.

**Authority:** T.C.A. §§65-2-102, 65-15-106, and 65-15-107. **Administrative History:** Original rule certified May 9, 1974. Amendment filed July 11, 1985; effective August 10, 1985. Rule 1340-6-1-.05 was transferred from rule

(Rule 1340-6-1-.05, continued)

*1220-2-1-.05 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.06 FOREIGN CORPORATION OR RESIDENT TO APPOINT PROCESS AGENT.** Each foreign corporation or resident of another state operating under authority of the Commissioner of Safety must appoint an agent upon whom process may be served. This appointment must be on a form prescribed by the Commissioner of Safety.

*Authority: T.C.A. §65-2-102. Administrative History: Original rule certified May 9, 1974. Rule 1340-6-1-.06 was transferred from rule 1220-2-1-.06 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.07 FREIGHT CARRIERS NOT TO CARRY PASSENGERS.** A certificate of convenience and necessity, contract hauler's permit or interstate permit authorizing the transportation of freight only does not authorize the transportation of persons. No motor carrier holding a certificate or permit authorizing the transportation of freight only shall transport persons, either with or without compensation.

*Authority: T.C.A. §65-2-102. Administrative History: Original rule certified May 9, 1974. Rule 1340-6-1-.07 was transferred from rule 1220-2-1-.07 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.08 DISCONTINUANCE OR ALTERATION OF SERVICE.**

- (1) No motor carrier rendering service to the public of any nature subject to the jurisdiction of this Commissioner of Safety shall discontinue, suspend or alter such service unless and until the following conditions precedent shall have been met:
  - (a) Notice shall be posted in either printed or typewritten form in the most conspicuous place reasonably accessible to the general public at each place of business, station or stop theretofore utilized, stating briefly and specifically the proposed change in service and advising the general public of its right to protest said change by contacting the Commissioner of Safety, 1150 Foster Avenue, Nashville, Tennessee 37210.
    1. The above described notice shall be maintained in good and readable condition for a period of thirty (30) days prior to the holding of a hearing or the issuance of an order by the Commissioner of Safety.
  - (b) Copies of the above required notice shall be filed with the Commissioner of the Commissioner of Safety within ten (10) days after the posting of same together with a statement showing the date and place of the posting of same.
  - (c) Notice shall also be given to the general public in the affected area of the proposed changes in service through advertisement in at least one issue of a newspaper of general circulation in each county theretofore served.
    1. This notice shall contain the same general essentials as prescribed in rule 1340-6-1-.08 (1)(a)
    2. Copies of this newspaper notice shall be filed with the Commissioner of the Commissioner of Safety in the manner provided in rule 1340-6-1-.08(1)(b)
- (2) (a) In addition to the requirements above stated, any public utility, common carrier, by rail or motor carrier desiring to discontinue, suspend or alter the service theretofore rendered shall file with

(Rule 1340-6-1-.08, continued)

the Commissioner of Safety in writing its petition requesting such authority, stating in detail the areas affected and the reasons for the request.

- (b) This request shall meet with the requirements prescribed for the filing and hearing of other requests to the extent such rules are not in conflict with rule 8.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.08 was transferred from rule 1220-2-1-.08 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.09 TARIFFS FOR PUBLIC INSPECTION.** Copies of tariffs naming rates and fares to be charged, together with rules and regulations, if any, governing same, shall be kept open for public inspection by every motor carrier or contract hauler at its principal office, and at the terminal of each route or routes and at the principal station or stations thereon.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.09 was transferred from rule 1220-2-1-.09 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.10 PASSENGER TARIFF.**

- (1) Passenger tariffs must contain the fixed rules and regulations, if any, which govern the tariff in clear and explicit terms, setting forth:
  - (a) All privileges of stopovers, extension of time limit, restrictions outlined in certificate, refund for unused and partly used ticket, children's fares, package rules, excess baggage rates, etc.
  - (b) All tariffs must contain a rule with reference to rates applicable to intermediate points not specifically named in such tariff.
  - (c) Full explanation of reference marks and technical abbreviations used in tariff.
  - (d) Adult fares definitely and specifically stated in cents or in dollars and cents per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in simple and systematic manner.
  - (e) Location of stopping point in each terminal municipality.
  - (f) Commutation rates by ticket or otherwise.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.10 was transferred from rule 1220-2-1-.10 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.11 FREIGHT TARIFF.**

- (1) Every freight tariff shall contain:
  - (a) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates, such as free storage and store-door delivery and receipt.

(Rule 1340-6-1-.11, continued)

- (b) When tariffs name class rates, a classification must be published or adopted, and such classification should contain all articles or commodities arranged alphabetically, showing opposite each the class to which such articles or commodities belong.
  - (c) Full explanation of reference marks and technical abbreviations used in the tariff.
  - (d) All rates must be expressly stated in cents or in dollars and cents per hundred pounds, or per ton of two thousand pounds, or per standards package or unit, together with the names of the places from and to which they apply, arranged in a simple and systematic manner.
- (2) Freight tariffs for rate bureaus and conferences shall contain all rates for their members. Any member carrier proposing independent action for its individual accounts shall cause such rates to be published in the intrastate tariff of the rate bureau or conference. If, however, for any reason the rate bureau or conference refuses to approve or publish a rate independently announced for a member carrier, that carrier may submit the tariff directly to the Commissioner of Safety.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-6-1-.11 was transferred from rule 1220-2-1-.11 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.12 CHANGES IN TARIFF.**

- (1) All motor carriers, agents, representatives, or bureaus issuing tariffs or schedules of rates and charges affecting Tennessee intrastate business, shall file with the Commissioner of Safety of the State of Tennessee written notice, in triplicate, which contains an explanation of the character of and reason for proposed changes in said tariff schedules.
- (2) Such explanation shall be filed not later than the date said tariff or schedule is filed.
- (3) A receipted copy of said explanation shall be evidence of filing such explanation and related tariffs or schedules.
- (4) All tariff changes resulting, in whole or in part, in increased rates to any shipper shall be filed at least thirty (30) days prior to the effective date of the tariff changes. All other tariff changes must be filed at least fifteen (15) days prior to their effective date except that proposed rate reductions filed to meet the rate of a competitor may become effective upon on (1) day's notice by permission of the Transportation Rate Division of the Commissioner of Safety.
- (5) All motor carriers, other than motor carriers of passengers, must notify affected shippers of proposed increases at least 20 days before the effective date of the proposed increase. A shipper entitled to this notice shall be one who is served by the carrier on a regular basis. Notification shall be made in writing.
- (6) The Commissioner of Safety may, on its own motion or on the filing of a sufficient protest by any person or persons affected, order such tariff modified or suspended.
- (7) Unprotested rate increases not suspended by the Commissioner of Safety involving competitive services shall carry a rebuttable presumption of being just and reasonable provided the following tests are met:
  - (a) the profit margin produced by the increased rates in not in excess of that historically allowed by the Commissioner of Safety,

(Rule 1340-6-1-.12, continued)

- (b) the proposal represents an increase no greater than the general inflation rate between rate adjustments or five percent per year, whichever is less, and
  - (c) the increase is to be applied in a non-discriminatory manner.
- (8) Carriers proposing to establish a rate below a competitor's rate shall file the following information:
  - (a) a document demonstrating that the proposed reduction is compensatory,
  - (b) a statement by the issuing officer that the reduced rates will be applied in a non-discriminatory manner, and
  - (c) a statement by the issuing officer assessing whether the rates diminish the carrier's ability to comply with Commissioner of Safety Rule 1340-6-1-.20 (Federal Motor Carrier Safety Program Standards).

**Authority:** T.C.A. §§65-2-102 and 65-15-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-6-1-.12 was transferred from rule 1220-2-1-.12 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.13 FARES, CHARGES, AND FREE TRANSPORTATION.** No motor carrier and/or contract hauler shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of person or freight, or for any service in connection therewith, than the rates, fares, and charges applicable to such motor carrier as specified in its tariffs filed and in effect at the time provided, nor shall any such motor carrier and/or contract hauler refund or remit, in any manner or by any device any portion of the rates, fares, or charges so specified, except upon an order from the Commissioner of Safety, nor extend to any corporation or person, any privileges or facilities in the transportation of person or freight except such as are regularly and uniformly extended to all corporations and persons.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.13 was transferred from rule 1220-2-1-.13 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.14 PASSES.** No motor carrier and/or contract hauler shall directly or indirectly issue, give, tender, or honor any free annual passes except to its officers, agents, employees, or members of their families, or to the Commissioner of Safety and its staff in the discharge of their duties, or for charitable or patriotic purposes.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.14 was transferred from rule 1220-2-1-.14 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.15 TIME SCHEDULES.**

- (1) Passenger time schedules must show:
  - (a) Time of arrival and departure at and from all terminal.
  - (b) Time of departure from intermediate points between terminals.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.15 was transferred from rule 1220-2-1-.15 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1.16 POSTING OF TIME SCHEDULES.** At least one copy of such time schedule shall be posted in a conspicuous place, easily accessible for public inspection at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver.

*Authority:* T.C.A. §65-202. *Administrative History:* Original rule certified May 9, 1974. Rule 1340-6-1.16 was transferred from rule 1220-2-1-.16 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1.17 CHANGES IN TIME SCHEDULES.**

- (1) Changes in time schedules affecting the time of arrival or departure of any motor vehicle at or from any station or stopping place on its line or route or which will affect a reduction or addition in the number of motor vehicles operated over any scheduled line or route must be made as follows:
  - (a) A new time schedule must be issued bearing the next consecutive number and shall show reference to number of time schedule cancelled thereby.
  - (b) A copy of such time schedule shall be filed with the Commissioner of Safety and notice must be given to the public by posting due notice in a conspicuous place in each station or stopping place affected, at least fifteen days (15) before the effective date thereof.
  - (c) After said fifteen days, such time schedule will be considered in full force and effect unless suspended.

*Authority:* T.C.A. §65-202. *Administrative History:* Original rule certified May 9, 1974. Rule 1340-6-1.17 was transferred from rule 1220-2-1-.17 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1.18 INSURANCE.**

- (1)
  - (a) No motor carrier subject to the provisions of T.C.A. §65-15-101, et seq. shall engage in the transportation of passengers or property for compensation, and no certificate or permit shall be issued to a motor carrier, or shall remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety a policy of insurance (or certificate of insurance in lieu thereof), or a surety bond in not less than the amounts hereinafter prescribed, conditioned to pay, within the amount of such policy of insurance (or certificate of insurance in lieu thereof), or surety bond, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, for loss or damage to property of others; nor shall any common carrier by motor vehicle subject to the provisions of said Act engage in the transportation of property for compensation, nor shall any certificate be issued to such carrier, nor remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety a policy of insurance written on a continuous basis, (or certificate of insurance in lieu thereof) or a surety bond in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service, Thirty (30) days notice of cancellation of any insurance policy must be given to the Commissioner of Safety in writing.
  - (b) No person shall operate a motor vehicle transporting hazardous materials, hazardous substances, and hazardous wastes as defined in 49 CFR 171.8, unless and until there shall have been filed with and approved by the Commissioner of Safety evidence of a bodily injury and property damage endorsement or surety bond meeting the minimum limits hereinafter prescribed in rule 1340-6-1-.19.
- (2) WHEREAS, it would be impractical to prescribe the Uniform Standard Surety Bond or Insurance forms promulgated into law for motor carriers operating solely in interstate commerce, and separate



(Rule 1340-6-1-.18, continued)

different forms for motor carriers operating in intrastate, or intrastate and interstate commerce under certificates of public convenience and necessity issued by this Commissioner of Safety, it is the opinion of the Commissioner of Safety that the same forms should apply to all motor carriers subject to the jurisdiction of the Commissioner of Safety, whether such carriers are operating solely in interstate commerce, solely in intrastate commerce, or in intrastate and interstate commerce.

(3) IT IS THEREFORE ORDERED:

That Rule 201.18 and Rule 201. 20 of the Motor Carrier Rules and Regulations be, and the same are hereby, revised and amended, effective on and after January 1, 1968, to read as follows: (Provided that filings made prior to the effective date of this rule, on forms now prescribed, shall remain in effect until they have been replaced with the forms prescribed herein, or until they have expired or have been cancelled or renewed.)

(4) The uniform notice of cancellation of motor carrier insurance policies shall be in the following form:

Form K

(5) The uniform notice of cancellation of motor carrier surety bonds shall be in the following form:

Form L

(6) The uniform motor carrier bodily injury and property damage liability certificate of insurance shall be in the following form:

Form E

(7) Evidence of bodily injury and property damage liability endorsement shall be in the following form:  
United States Department of Transportation.

Forms MCS-90 (Carriers of property)  
Forms MCS-90B (Carriers of passengers))

(8) Evidence of bodily injury and property damage liability surety bond shall be in the following form:

U.S. Department of Transportation  
Forms MCS-82 (Carriers of property)  
Forms MCS-82B (Carriers of passengers)

(9) The uniform motor carrier cargo certificate of insurance shall be in the following form:

Form H

(10) The uniform motor carrier cargo insurance endorsement shall be in the following form:

Form I

(11) The uniform motor carrier cargo surety bond shall be in the following form:

Form J

**Authority:** T.C.A. §§65-15-110 and 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Amendment filed February 28, 1992; effective April 29, 1992. Rule 1340-6-1-.18 was transferred from rule 1220-2-

(Rule 1340-6-1-.18, continued)

*1-.18 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.19 SCHEDULE OF LIMITS.** The minimum amounts referred to in Rule 1340-6-1-.18 are hereby prescribed as follows:

The minimum amounts referred to in rule 1340-6-1-.18 are hereby prescribed as follows:

<u>Property Carriers</u>	<u>Commodity transported</u>	<u>Limits</u>
1- Motor Carrier and Contract Hauler (in interstate, intrastate or foreign commerce)	Property	\$ 750,000
2- Motor Carrier, Contract Hauler & Private Motor Vehicles (in interstate, foreign, or intrastate commerce)	Hazardous substances as defined in 49 CAR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CAR 173.403	\$ 5,000,000
3- Motor Carrier, Contract Hauler & Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Oil listed in 49 CAR 172.101; hazardous materials and hazardous substances defined in 49 CAR 171.8 and listed in 49 CAR 172.101, but not mentioned in 2) above or 4) below.	\$ 1,000,000
4- Motor Carrier, Contract Hauler Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Any quantity of Class A or B explosives; and quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CAR 173AO3	\$ 5,000,000
5- Motor (larder, Contract Hauler under 10,000 lose GVWR	Property	\$ 300,000

The limits listed under numbers (1), (2), and (3) apply to vehicles with a gross weight rating of 10,000 pounds or more. The limits listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 lose

Passenger Carriers

(Rule 1340-6-1-.19, continued)

- (1) Any vehicle with a seating capacity of 16 passengers or more:

Beginning January 1, 1992	\$ 1,000,000
Beginning January 1, 1993	\$ 2,000,000
Beginning January 1, 1994	\$ 3,000,000
Beginning January 1, 1995	\$ 5,000,000

- (2) Any vehicle with a seating capacity of 15 passengers or less:

Beginning January 1, 1992	\$ 500,000
Beginning January 1, 1993	\$ 750,000
Beginning January 1, 1994	\$ 1,000,000
Beginning January 1, 1995	\$ 1,500,000

Motor Common Carriers - Cargo Liability security required for loss or damage to property belonging to shippers or consignees and coming into the possession of motor carriers in connection with their transportation service: 1) for loss or damage to property carried on any one motor vehicle - \$5,000. 2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place - \$10,000.

**Authority:** T.C.A. §§65-2-102 and 65-15-110. **Administrative History:** Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-6-1-.19 was transferred from rule 1220-2-1-.19 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.20 ADOPTION OF DEPARTMENT OF TRANSPORTATION SAFETY RULES AND REGULATIONS.** The Commissioner of Safety hereby adopts the interstate motor carrier noise emission standards and federal motor carrier safety regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the LIM States Department of Transportation contained in Title 49 of the Code of Federal Regulations Chapter III, Sub-Chapters A and B, except for Part 391.11 (b) (1) and Parts 389.25 through 389.41.

**Authority:** T.C.A. §§65-2-102 and 65-15-113. **Administrative History:** Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-6-1-.20 was transferred from rule 1220-2-1-.20 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.21 PERMIT CARDS TO BE POSTED IN EVERY VEHICLE.** For the purpose of identification and information to the public, motor vehicles, including substitute or emergency vehicles, while being operated under a certificate or permit, must have displayed at all times in such vehicles, in a conspicuous place, a Permit Stamp issued by the Commissioner of Safety, and any failure to keep such Permit Stamp displayed in such vehicles shall subject the holder of a certificate or permit to the penalty provision of the Motor Carrier Act, as set out in T.C.A. 65-15-122.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.21 was transferred from rule 1220-2-1-.21 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.22 REGISTRATION OF VEHICLES AND IDENTIFICATION STAMPS-DESIGNATION OF PROCESS AGENT.**

- (1) Every motor carrier holding a certificate of convenience and necessity, contract hauler's permit or interstate permit and subject to the provisions of the Motor Carrier Act or 1933, as amended, shall, annually, on or before January 1 or before the vehicle is put into use as to a vehicle put into use during the course of the year, make application to the Commissioner of Safety for the issuance of a vehicle

(Rule 1340-6-1-.22, continued)

identification stamp or stamps for registration and identification of the vehicle or vehicles which it intends to operate within or through the State of Tennessee during the ensuing year.

- (a) Application for registration of all motor vehicles shall be made on Form B and in the manner prescribed by the Commissioner of Safety, which shall be typewritten or written legible with pen and ink on the equipment registration form provided for that purpose.
- (b) The fee for each vehicle per annum is \$5.00.
- (c) The application for the issuance of such identification stamp or stamps shall be in the form as set forth in Form B. Application for cab cards shall be made on Form C.
- (d) The uniform identification cab card shall be in the form as set forth in Form D; except that with respect to units used exclusively by interstate carriers which hold no interstate authority, the said cab card shall be in the form set forth in TPSC Form D-I
- (e) Vehicle Identification: Every motor carrier engaged solely in interstate commerce on or over the highways of this State shall paint or stencil on both sides of the body or cab of each vehicle to be put into use in letters and numbers clearly visible and legible at all times while being operated on the highways of the State, the following information:
  - 1. Name and address of carrier.
  - 2. ICCMC Number.
  - 3. Company unit number.
- (f) Issuance of Identification Stamps and Use of Cab Cards: Identification stamps will not be issued until such motor carriers are in full compliance with all of the provisions of this rule.
- (g) Prior to operating a vehicle within the borders of the State of Tennessee, each motor carrier shall place one of such identification stamps on the back of the uniform cab card (Form D) in the square bearing the name of this State in such manner that the same cannot be removed without defacing it. The motor carrier shall thereupon duly complete and execute the form of certificate printed on the front of the uniform card (Form D) so as to identify itself and such vehicle.
- (h) The cab card shall be maintained in the cab of such vehicle for which prepared whenever the vehicle is operated under the authority of the carrier identified in the cab card.
- (i) A cab card shall, upon demand, be exhibited by the driver to any authorized agent or representative of the Commissioner of Safety.
- (j) Each motor carrier shall void the cab card at the time it permanently discontinues the use of the motor vehicle for which the cab card was prepared; otherwise it shall become void on the last day of December of the year for which issued.
- (k) If a cab card is lost, destroyed, mutilated, or becomes illegible during the course of the year for which registered, a replacement card may be prepared and a new identification stamp issued therefor upon application by the motor carrier, supported by affidavit, and upon payment of \$1.00 regardless of whether or not the vehicle was originally registered in a state which the Commissioner of Safety has a reciprocal agreement.

(Rule 1340-6-1-.22, continued)

- (2) No such carrier shall engage in interstate commerce within the borders of the State of Tennessee unless and until there shall have been filed with and accepted by this Commissioner of Safety a currently effective designation of a local agent for service of process. Said carrier shall file such designation by showing the name and address of such agent on the uniform application for registration of interstate operating authority as set forth in Form A, or by furnishing this Commissioner of Safety with a true copy of the designation of such agent filed with the Interstate Commerce Commission.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Amendment filed April 28, 1975; effective May 28, 1975. Amendment and new rule filed March 17, 1980; effective May 1, 1980. Rule 1340-6-1-.22 was transferred from rule 1220-2-1-.22 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-23 SAFE AND SANITARY CONDITION.** Every motor vehicle shall be maintained in a safe and sanitary condition at all times, and shall be at any reasonable time subject to inspection by the Commissioner of Safety and its duly authorized representatives.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.23 was transferred from rule 1220-2-1-.23 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.24 TERMINAL FACILITIES.**

- (1) All passenger carriers shall maintain suitable and adequate terminal facilities at the terminal of the routes and at the main stations on the routes.
- (2) All passenger vehicles making stops at communities, towns or cities where a drive-in terminal facility or station is maintained shall come to a stop inside said terminal or station, otherwise the vehicle shall come to a stop at such place or places as may be designated by the officials of the town or city, provided, however, that where no such place or places are designated by such officials, that such vehicles shall come to a stop on the same side of the street where such terminal or station is located and as nearly adjacent thereto as is reasonably possible.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-10-.24 was transferred from rule 1220-2-1-.24 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.25 ADOPTION OF PROVISIONS OF PUBLIC LAW 89-170-STANDARDS OF OPERATIONS OF MOTOR CARRIERS.**

- (1) In order that there be uniform regulation for the motor carrier transportation industry of the United States, the National Association of Regulatory Utility Commissioners has determined standards which have been promulgated into law by the I.C.C. On May 10, 1971, Governor Winfield Dunn signed into law Chapter 168, Public Acts of 1971, bringing Tennessee in full compliance with the uniform standards of Public Law 89-170. (Such motor carrier standards, as so amended, are codified as Part 1023 of Title 49 of the Code of Federal Regulations, and are reflected in the Federal Register of December 28, 1966, pages 16567-16575.-Editor's Note.)
- (2) Interstate Commerce Commission Exempt For Hire Carriers.
  - (a) Definitions
    1. Definitions - The following letters and words, when used in these Standards, shall have the following meanings, unless otherwise clearly apparent from the context:

(Rule 1340-6-1-.25, continued)

- (i) The words “driveway operation” shall mean an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported;
    - (ii) The letters “ICC” shall mean the Interstate Commerce Commission;
    - (iii) The word “law” shall include constitutional and statutory provisions and rules and regulations adopted by a Commissioner of Safety;
    - (iv) The words “motor carrier” shall mean a motor carrier of passengers or property for compensation engaged in interstate or foreign commerce when its operation is exempt from economic regulations by the Interstate Commerce Commission under the Interstate Commerce Act, as amended;
    - (v) The letters “NARUC” shall mean the National Association of Regulatory Utility Commissioners;
    - (vi) The word “vehicle” shall mean a self-propelled or motor-driver vehicle operated by a motor carrier.
  - 2. Operations within borders of State. Whenever these Standards refer to operations “within the borders” of the State, such operations shall be deemed to include interstate or foreign operations to, from, within or traversing such State.
- (b) Registration of Motor Carrier Operations
- 1. Registration required. - A motor carrier shall not operate within the borders of the State unless and until there shall have been filed with and approved by the Commissioner of Safety of the State an application for the registration of such operation as prescribed by the provisions of this Chapter, and there shall have been a compliance with all other requirements of this Chapter. A change in operation shall be reported by the prior filing of a supplemental application.
  - 2. Form and execution of application. - The application for the registration of such operation, and any supplemental application to report any change in operation, shall be in the form set forth in Form A-1 which is attached hereto and made a part of this Section. The application shall be printed on a rectangular card or sheet of paper eleven inches in height and eight and one-half inches in width. The application shall be duly completed and executed by an official of the motor carrier.
  - 3. Filing of application. - The application for the registration of such operation shall be filed in duplicate with the Commissioner of Safety of such State. The original shall be retained by the State Commissioner of Safety. The other copy of the application or an acknowledgement shall be transmitted to the motor carrier when the application is approved by the State Commissioner of Safety. The application shall be accompanied by the fee, if any, prescribed by the law of such State.
- (c) Designation of Process Agent
- 1. Designation required. - A motor carrier shall not operate within the borders of the State unless and until there shall have been filed with and accepted by the Commissioner of Safety of such State a currently effective designation of a local agent for service of process.

(Rule 1340-6-1-.25, continued)

2. Filing of designation. - The motor carrier shall file such designation of a local agent for service of process with the Commissioner of Safety of such State by showing the name and address of such agent on the Uniform Application for Registration of Interstate Motor Carrier Operations Exempt from ICC Regulation, as set forth in Form A-1 attached hereto.
- (d) Registration And Identification of Vehicles and Driveway Operations
1. Registration and identification required. - A motor carrier shall not operate a vehicle or engage in driveway operations within the borders of the State unless and until the vehicle or driveway operations shall have been registered and identified with the Commissioner of Safety of such State in accordance with the provisions of this Chapter, and there shall have been a compliance with all other requirements of this Chapter.
  2. Registration and identification.
    - (i) On or before the thirty-first day of January of each calendar year, but not earlier than the preceding first (lay of November, such motor carrier shall apply to the Commissioner of Safety of the State for the issuance of an identification stamp or Stamps, or for the assignment of an identification number (as elected by the Commissioner of Safety), for the registration and identification of the vehicle or vehicles which it intends to operate, or driveway operations which it intends to conduct, within the borders of the State (luring the ensuing year If a State Commissioner of Safety elects to require the use of identification stamps under the provision,, of this Chapter, the motor carrier may apply for such number of stamps as is sufficient to cover its vehicles or driveway operations which it anticipates will be placed in operation or conducted during the period for which the stamps are effective. The motor carrier may thereafter file one or more supplemental application,; for additional stamps if the need therefor arises or is anticipated
    - (ii) If the State Commissioner of Safety determines that the motor carrier has complied with all applicable provisions of these Standards, the Commissioner of Safety shall issue to the motor carrier the number of identification stamps requested or shall assign it an identification number, as the case may be.
    - (iii) An identification stamp or number issued or assigned under the provisions of this Chapter shall be used for the purpose of registering and Identifying a vehicle or driveway operations as being operated or Conducted by a motor carrier, and shall not be used for the purpose of distinguishing between the vehicles operated by the same motor carrier. A motor carrier receiving an identification stamp or identification number under the provisions of this Chapter shall not, knowingly permit the use of same by any other person or organization.
    - (iv) The State Commissioner of Safety may require the motor carrier to accompany such application with a list identifying each vehicle (other than one to be used in driveway operations) which it intends to operate within the borders of the State (luring the ensuing year. The State Commissioner of Safety may further require the motor carrier to keep such list current by filing with it an identification of each vehicle acquired for operation within the borders of the State and each vehicle whose operation is discontinued therein after the filing of such list. The filing of an identification of such newly acquired or discontinued vehicle shall be made with the State Commissioner of Safety on or before the fifteenth day after the motor carrier initiates or discontinues operation of the vehicle within the borders of such State.

(Rule 1340-6-1-.25, continued)

- (v) On or before the thirty-first day of January of each calendar year, but not earlier than the preceding first day of November, such motor carrier shall apply to the National Association of Regulatory Utility Commissioners, or to the Commissioner of Safety of any State in which it intends to operate, for the issuance of a sufficient supply of Uniform Identification Cab Cards for use in connection with the registration and identification of the vehicle or vehicles which it intends to operate, or driveaway operations which it intends to conduct, within the borders of the State during the ensuing year.
  - (vi) The NARUC or the State Commissioner of Safety, as the case may be, shall issue to the motor carrier the number of cab cards requested. A motor carrier receiving a cab card under the provisions of this Chapter shall not knowingly permit the use of same by any other person or organization. Prior to operating a vehicle, or conducting a driveaway operation, within the borders of the State during the ensuing year, the motor carrier shall place one of such identification stamps or such identification number on the back of a cab card in the square bearing the name of the State in such a manner that the same cannot be removed without defacing it. The motor carrier shall thereupon duly complete and execute the form of certificate printed on the front of the cab card so as to identify itself and such vehicle or driveway operation.
  - (vii) The registration and identification of a vehicle or driveaway operations under the provisions of this Chapter and the identification stamp or number evidencing same and the cab card prepared therefor shall become void on the first day of February in the succeeding calendar year, unless such registration is terminated prior thereto.
- 3. Form and execution of application for identification stamps or number. - The application for the issuance of such identification stamps or number shall be in the form set forth in Form B-1 which is attached hereto and made a part of this Section. The application shall be printed on a rectangular card or sheet of paper eleven inches in height and eight and one-half inches in width. The application shall be duly completed and executed by an official of the motor carrier, and shall be accompanied by the fee, if any, prescribed by the law of such State.
  - 4. Execution of application for cab card. - The application for the issuance of such cab cards shall be duly executed by an official of the motor carrier.
  - 5. Form of identification stamp or number. - Any identification stamp issued under the provisions of this Chapter by a State Commissioner of Safety shall bear its name or symbol and such other distinctive markings or information, if any, as the Commissioner of Safety deems appropriate. The stamp shall be in the shape of a square and shall not exceed one inch in diameter. Any identification number issued by a State Commissioner of Safety under the provisions of this Chapter shall not exceed the dimensions of a square one inch in diameter.
  - 6. Form of cab card. -The cab card referred to above shall be in the form set forth in Form D-1 which is attached hereto and made a part of this Section, and shall bear the seal of the NARUC. The cab card shall be printed on a rectangular card eleven inches in height and eight and one-half inches in width.
  - 7. Use of cab cards in connections with vehicles not used in driveaway operation. - In the case of a vehicle not used in a driveaway operation, the cab card shall be maintained in



(Rule 1340-6-1-.25, continued)

the cab of such vehicle for which prepared whenever the vehicle is operated by the carrier identified in the cab card. Such cab card shall not be used for any vehicle except the vehicle for which it was originally prepared. A motor carrier shall not prepare two or more cab cards which are effective for the same vehicle at the same time.

8. Use of cab cards in driveaway operations. - In the case of a driveaway operation, the cab card shall be maintained in the cab of the vehicle furnishing the motive power. In the driveaway operation whenever such an operation is conducted by the carrier identified in the cab card.
9. Inspection of the cab card. - A cab card shall, upon demand, be presented by the driver to any authorized Government personnel for inspection.
10. Destruction of cab cards.
  - (i) Each motor carrier shall destroy a cab card immediately upon its expiration.
  - (ii) If a motor carrier permanently discontinues the use of a vehicle for which a cab card has been prepared, it shall nullify the cab card at the time of such discontinuance.
11. Alteration of cab card replacement.
  - (i) Any erasure, improper alteration, or unauthorized use of a cab card shall render it void.
  - (ii) If a cab card is lost, destroyed, mutilated, or becomes illegible, a new cab card may be prepared and new identification stamps or numbers may be issued therefor upon application by the motor carrier and upon payment of the fee prescribed.

(e) Evidence of Liability Security

1. Liability insurance certificate or surety bond required. - A motor carrier shall not operate within the borders of the State unless and until there shall have been filed with and accepted by the Commissioner of Safety of such State a currently effective certificate of insurance or surety bond evidencing bodily injury and property damage liability security as prescribed by the provisions of this Chapter, and there shall have been a compliance with all other requirements of this Chapter.
2. Form and execution of liability insurance certificate. The certificate of insurance referred to in the preceding Section shall state that the insurer has issued to such motor carrier a policy of insurance which by endorsement provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the law of such State. The certificate shall be in the form set forth in Form E which is attached to the Standards determined by the NARUC and promulgated by ICC pursuant to the provisions of Section 202 (b) (2) of the Interstate Commerce Act, as amended. The certificate shall be printed on a rectangular card five inches in height and eight inches in width. The certificate shall be duly completed and executed by such insurer.
3. Form and execution of evidence of liability insurance endorsement. - The evidence of liability insurance endorsement referred to in the preceding Section shall be the United States Department of Transportation:

(Rule 1340-6-1-.25, continued)

Form MCS-90 (Carriers of Property) and Form MCS-90B (Carriers of Passengers).

4. Form and execution of liability surety bond. - The surety bond shall be set forth in the following form: United State Department of Transportation.

Form MCS-82 (Carrier of Property) and MCS 82-B (Carriers of Passengers)

(f) Evidence of Cargo Security.

1. Cargo insurance certificate or safety bond required. - A motor carrier shall not operate within the borders of the State unless and until there shall have been filed with the accepted by the Commissioner of Safety of such State a currently effective certificate of insurance or surety bond evidencing cargo security as prescribed by the provisions of this Chapter, and there shall have been a compliance with all other requirements of this Chapter.
2. Form and execution of cargo insurance certificate. - The certificate of insurance referred to in the preceding Section shall state that the insurer has issued to such motor carrier a policy of insurance which by endorsement provides cargo insurance covering the obligations imposed upon such motor carrier by the provisions of the law of such State. The certificate shall be in the form set forth in Form H which is attached to the Standards determined by the NARUC and promulgated by the ICC pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act, as amended. The certificate shall be printed on a rectangular card five inches in height and eight inches in width. The certificate shall be duly completed and executed by such insurer.
3. Form and execution of cargo insurance endorsement - The endorsement referred to in the preceding Section shall be attached to such insurance policy and shall form a part of it. The endorsement shall be in the form set forth in Form I which is attached to the Standards determined by the NARUC and promulgated by the ICC pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act, as amended. The endorsement shall be printed on a rectangular card or sheet of paper five inches in height and eight inches in width. The endorsement shall be duly completed and executed by the insurer.
4. Form and execution of cargo surety bond. - The surety bond referred to in Section 6.1 shall be in the form set forth in Form J which is attached to the Standards determined by the NARUS and promulgated by the ICC pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act, as amended. The bond shall be printed on a rectangular card five inches in height and eight inches in width. The bond shall be duly completed and executed by the surety and principal.

(Rule 1340-6-1-.25, continued)

**FORM L**

**UNIFORM NOTICE OF CANCELLATION OF  
MOTOR CARRIER SURETY BONDS  
(Executed in Triplicate)**

Check Type	Canceled:
BI and PD	<input type="checkbox"/>
Cargo	<input type="checkbox"/>

Filed with \_\_\_\_\_ (hereinafter called Commissioner of  
Safety) (Name of Commissioner of Safety)

This is to advise that, under the terms of surety bond(s) executed in behalf of

\_\_\_\_\_  
(Name of Principal)

of \_\_\_\_\_  
(Address)

by \_\_\_\_\_  
(Name of Surety)

said bond(s), including any and all riders or certificates attached thereto or issued in  
connection therewith, is (are) hereby canceled effective as of the

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 12:01 A.M. standard time at the address of  
the Principal as stated in said London provided such date A not less than thirty (30) days  
after the actual receipt of this notice by the Commissioner of Safety.

\_\_\_\_\_  
Signature of Principal or Surety

Insurance Company File No. \_\_\_\_\_  
(Policy Number)

This form determined by the National Association of Railroad and Utilities  
Commissioners and promulgated by the Interstate Commerce Commission pursuant to  
the provisions of Section 202(b)(2) of the Interstate commerce Act (49 U.S.C. See.  
302(b)(2) ).

**Authority:** T.C.A. §§65-2-102 and 65-15-110. **Administrative History:** Original rule certified May 9, 1974. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-6-1-.25 was transferred from Rule 1220-2-1-.25 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-26 INTOXICATED PERSONS.** The drinking of intoxicating liquors or beverages by passengers on passenger coaches shall not be permitted. Persons who are apparently under the influence of intoxicants shall not be received or transported as passengers on coaches and any person on board any coach as a passenger in violation of any of the foregoing should be discharged from the coach at the first town or city reached.

**Authority:** T.C.A. §65-4-402. **Administrative History:** Original rule certified May 9, 1974. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-6-1-.26 was transferred from rule 1220-2-1-.26 by the

(Rule 1340-6-1-.26, continued)

*Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.27 DRIVERS INSPECTION RECORD.**

- (1) Every motor carrier having headquarters, a branch office, terminal or terminals, garage, agency or designated stopping point in Tennessee, is hereby required to maintain on file, records evidencing the fact that proper inspections of equipment are made. Such inspections shall be made by the driver of each motor vehicle before driving same and report of such inspections, signed by the driver, shall be made and filed at the time of departure at the terminal, garage, office or other point from which initial departure for each trip is made. Such reports or records of inspection shall be maintained on file at each such terminal, garage, office or other point of departure, and such records shall be subject to examination at any time by representatives of the Commissioner of Safety.
- (2) The form of such report or record shall be substantially as follows:

(NAME OF MOTOR CARRIER)

Terminal _____	Date _____
Bus No. _____	Truck No. _____
Tractor No. _____	Trailer No. _____

Following items have been inspected on units shown, prior to leaving terminal or garage and are satisfactory:

Head Lights	_____
Marker Lights and Reflectors	_____
Tail Light and Stop Light	_____
Brakes, Foot	_____
Brakes, Emergency (Hand)	_____
Horn	_____
Windshield Wiper	_____
Rear Vision Mirror	_____
Tire Inflation Spare	_____
Tire Steering Mechanism	_____
Coupling Devices	_____
Tailgate, Tarpaulins, Stakes, Etc.	_____

(g) Chapter 7.

Notice of Security Cancellation

1. Notice of Insurance cancellation. - An insurer under the provisions of Chapter 5 and 6 of these Standards shall give to the State Commissioner of Safety notice of the cancellation of motor carrier bodily injury and property damage liability insurance or motor carrier cargo insurance, as the case may be, by filing with the Commissioner of Safety the Rona of notice set forth in Form K which is attached to the Standards determined by the NARUC and promulgated by the ICC pursuant to the provisions of Section 202(b)(2) (of the Interstate Commerce Act, as amended. The notice shall be printed on a rectangular card five inches in height and eight inches in width. The notice shall be duo completed and executed by the insurer.

(Rule 1340-6-1-.27, continued)

2. Notice of bond cancellation. - A surety or motor carrier under the provisions of Chapters 5 and 6 of these Standards shall give to the State Commissioner of Safety notice of the cancellation of motor carrier bodily injury and property damage liability surety bond or motor carrier cargo surety bond, as the case may be, by filing with the Commissioner of Safety the form of notice set forth in Form L which is attached to the Standards determined by the MAROC and promulgated by the ICC pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act, as amended. The notice shall be printed on a rectangular card five inches in height and eight inches in width. The notice shall be duly completed and executed by the surety or motor carrier.
- (h) Evidence of Self-Insurance
  1. Evidence of Self-Insurance. - If the State permits a motor carrier to file and maintain evidence of currently effective qualifications as a self-insurer, such motor carrier shall not operate within the borders of the State unless and until there shall have been filed with and accepted by the Commissioner of Safety of the State evidence that the motor carrier qualifies as a self-insurer under the laws of the State.
- (i) Miscellaneous
  1. Reproduction of forms.
    - (i) In order to achieve complete uniformity in the reproduction of the Uniform Identification card, as set forth in attached Form D-1, the MAROC shall reproduce and supply an adequate quantity of such form for use under the provisions of these Standards. No person or organization, other than the MAROC, shall reproduce such form for use under the provisions of these Standards, and any such form reproduced by such an unauthorized person or organization is hereby declared to be void.
    - (ii) The MAROC, upon request, shall supply such form to the State Commissioner of Safety and motor carriers. The MAROC shall fix and charge a reasonable fee in connection with the reproduction and supply of such form. The State Commissioner of Safety shall charge the same fee as charged by the MAROC.
    - (iii) Completion of forms. - A typewriter or indelible ink shall be used in entering information in the blank spaces appearing on the forms prepared under the provisions of these Standards.
    - (iv) Violations declared unlawful; criminal penalties; civil remedies. -- Any violation of the provisions of these Standards is hereby declared to be unlawful. Nothing in these Standards shall be construed to prevent the State from imposing criminal penalties upon any person or organization violating any provision of these Standards or from providing or applying civil remedies or sanctions in connection with such violations.
- (3) The charges that are associated with the uniform standards may be summarized as follows:

Initial filing of applications:	\$25.00
Additional filings:	\$10.00 Each
Permit Stamps:	\$ 5.00 Each
Telegraphic Wire:	\$ 2.00 Each

(Rule 1340-6-1-.27, continued)

**FORM A-1**  
UNIFORM APPLICATION FOR REGISTRATION OF INTERSTATE MOTOR CARRIER  
OPERATIONS EXEMPT FROM ICC REGULATION

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Name of State Commissioner of Safety)

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

The vehicle or vehicles which the applicant intends to operate, or driveaway operations which it intends to conduct, within the borders of the State of \_\_\_\_\_ are exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended, pursuant to the authority checked below:

- ☐ Sec. 202(c)(1) (Terminal Area Exemption)
- ☐ Sec. 202(c)(2) (Terminal Area Exemption)
- ☐ Sec. 203(a)(1) (Foreign Commerce Exemption)
- ☐ Sec. 203(b)(1) (School Bus Exemption)
- ☐ Sec. 203(h)(2) (Taxicab Exemption)
- ☐ Sec. 203(b)(3) (Hotel Exemption)
- ☐ Sec. 203(b)(4) (National Pat-, Exemption)
- ☐ Sec. 203(b)(4a) (Farm Exemption)
- ☐ Sec. 203(b)(5) (Farm Cooperative Exemption)
- ☐ Sec. 203(b)(6) (Commodities Exemption)
- ☐ Sec. 203(h)(7) (Newspaper Exemption)
- ☐ Sec. 203(b)(7a) (Air Transport Exemption)
- ☐ Sec. 203(b)(8) (Municipal Exemption)
- ☐ Sec. 203(b)(9) (Occasional Exemption)
- ☐ Sec. 203(b)(10) (Emergency Tow Exemption)
- ☐ \_\_\_\_\_ (Specify Other Exemption)

Type of Carrier:

☐ Property    ☐ Passenger    ☐ Common    ☐ Contract

Give Principal Office Address, if different than above:

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

If individual, give name and address:

\_\_\_\_\_

If Corporation, give State in which incorporated: \_\_\_\_\_

Name of President \_\_\_\_\_ Name of Secretary \_\_\_\_\_

If Partnership, give names and addresses of partners:

(Rule 1340-6-1-.27, continued)

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Process Agent for State:

Name \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as prescribed by law.)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Instructions: File this application in duplicate. When application is approved, the copy will be returned to the applicant.

(Rule 1340-6-1-.27, continued)

**FORM B-1**

**UNIFORM APPLICATION FOR REGISTRATION AND IDENTIFICATION OF VEHICLES OR DRIVEAWAY  
OPERATIONS EXEMPT FROM ICC REGULATION**

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Name of State Commissioner of Safety)

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

The above described applicant hereby applies for the issuance of \_\_\_\_\_  
(Number)

identification stamp(s) or for the assignment of an identification number (as elected by the laws of the State), for the registration and identification of the vehicle or vehicles which the applicant intends to operate, or driveway operations which it intends to conduct, within the borders of the State during the period for which such identification stamps) or number is effective. The operation of such vehicle or vehicles, or the conduct of such driveway operations, shall be in accordance with the laws of the State.

The vehicle or vehicles which the applicant intends to operate or driveway operations which it intends to conduct, within the borders of the State, are exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended, pursuant to the authority checked below:

- ☐ Sec. 202(c)(1) (Terminal Area Exemption)
- ☐ Sec. 202(c)(2) (Terminal Area Exemption)
- ☐ Sec. 203(a)(1) (Foreign Commerce Exemption)
- ☐ Sec. 203(b)(1) (School Bus Exemption)
- ☐ Sec. 203(h)(2) (Taxicab Exemption)
- ☐ Sec. 203(b)(3) (Hotel Exemption)
- ☐ Sec. 203(b)(4) (National Pat-, Exemption)
- ☐ Sec. 203(b)(4a) (Farm Exemption)
- ☐ Sec. 203(b)(5) (Farm Cooperative Exemption)
- ☐ Sec. 203(b)(6) (Commodities Exemption)
- ☐ Sec. 203(h)(7) (Newspaper Exemption)
- ☐ Sec. 203(b)(7a) (Air Transport Exemption)
- ☐ Sec. 203(b)(8) (Municipal Exemption)
- ☐ Sec. 203(b)(9) (Occasional Exemption)
- ☐ Sec. 203(b)(10) (Emergency Tow Exemption)
- ☐ \_\_\_\_\_ (Specify Other Exemption)

The applicant shall not knowingly permit any other person or organization to use the identification stamp(s) or number issued or assigned pursuant to this application.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as prescribed by law.)

Signature \_\_\_\_\_

Title \_\_\_\_\_



(Rule 1340-6-1-.27, continued)

**FORM D-1**  
**UNIFORM IDENTIFICATION CAB CARD**  
Operating Motor Carrier

Name of Carrier \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

**VEHICLE**

Type \_\_\_\_\_ \*Make \_\_\_\_\_  
Tractor-Truck-Bus-Driveaway

\*Year \_\_\_\_\_ \*Serial No. \_\_\_\_\_

\*\* State of Vehicle Registration \_\_\_\_\_

\*Name of Owner of Vehicle \_\_\_\_\_

The operation of the vehicle or conduct of the driveaway operation, described above, is exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended, pursuant to the authority checked below:

- ☐ Sec. 202(c)(1) (Terminal Area Exemption)
- ☐ Sec. 202(c)(2) (Terminal Area Exemption)
- ☐ Sec. 203(a)(11) (Foreign Commerce Exemption)
- ☐ Sec. 203(b)(1) (School Bus Exemption)
- ☐ Sec. 203(b)(2) (Taxicab Exemption)
- ☐ Sec. 203(b)(3) (Hotel Exemption)
- ☐ Sec. 203(b)(4) (National Park Exemption)
- ☐ Sec. 203(b)(4a) (Farm Exemption)
- ☐ Sec. 203(b)(5) (Farm Cooperative Exemption)
- ☐ Sec. 203(b)(6) (Commodities Exemption)
- ☐ Sec. 203(b)(7) (Newspaper Exemption)
- ☐ Sec. 203(b)(7a) (Air Transport Exemption)
- ☐ Sec. 203(b)(8) (Municipal Exemption)
- ☐ Sec. 203(b)(9) (Occasional Exemption)
- ☐ Sec. 203(b)(10) (Emergency Two Exemption)
- ☐ \_\_\_\_\_ (Specify Other Exemption)

Such vehicle or driveaway operation has been registered in accordance with the laws of each State whose current identification stamp or number is placed on the reverse side of this card.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute this document on behalf of the above carrier. (State penalties as prescribed by law.)

Signature \_\_\_\_\_

Title \_\_\_\_\_

(Rule 1340-6-1-.27, continued)

Date Executed \_\_\_\_\_

This card expires at 12:01 A.M., February 1, 20\_\_\_\_ or \_\_\_\_\_, 20\_\_\_\_  
whichever is earlier.

\*Not applicable to driveaway operations.

\*\*If the State of vehicle registration changes during the period this cab card is effective, the motor carrier shall immediately indicate the change above by marking out the name of the State listed and inserting the name of the new State of Vehicle registration in lieu thereof. This change shall be initialed by an official of the motor carrier.

**FORM A**  
UNIFORM APPLICATION FOR REGISTRATION  
OF OPERATING AUTHORITY ISSUED BY ICC

(Rule 1340-6-1-.27, continued)

**FORM B**  
UNIFORM APPLICATION FOR REGISTRATION AND  
IDENTIFICATION OF VEHICLES OR DRIVEWAY OPERATIONS  
OPERATED OF CONDUCTED UNDER AUTHORITY ISSUED BY ICC

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Name of State Commissioner of Safety)

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

ICC Operating Authority Number MC \_\_\_\_\_

The above described applicant hereby applies for the issuance of \_\_\_\_\_  
(Number)

identification stamp(s), or for the assignment of an identification number (as elected by the laws of such state), for the registration and identification of the vehicle or vehicles which the applicant intends to operate, or driveway operations which it intends to conduct, within the borders of such state during the period for which such identification stamp(s), or number is effective. The operation of such vehicle or vehicles, or the conduct of such driveway operations, shall be pursuant to authority issued to the applicant by the Interstate Commerce Commission.

The applicant shall not knowingly permit any other person or organization to use the identification stamp(s) or number issued or assigned pursuant to this application.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (Federal penalties, maximum of \$10,000 or imprisonment for five years, or both, 18 U.S. Code 1001; State penalties as prescribed by law.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b)(2)].

(Rule 1340-6-1-.27, continued)

**FORM C**  
**UNIFORM APPLICATION FOR IDENTIFICATION CAB CARD**

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Name of Raw Commissioner of Safety or NARUC)

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

ICC Operating Authority Number MC \_\_\_\_\_

The above described applicant hereby applies for the issuance of \_\_\_\_\_  
(Number)

uniform identification cab card(s) for use in connection, or driveaway operations which it intends, to conduct, within the borders of such State during the period for which such cab card(s) is effective. The operation of such vehicle or vehicles, or the conduct of such driveaway operations, shall be pursuant to authority issued to the applicant by the Interstate Commerce Commission.

The applicant shall not knowingly permit,, any other person or organization to use the cab card(s) issued pursuant to this application.

I, the undersigned, under penalty. for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (Federal penalties, maximum of \$10,000 or imprisonment for five years, or both, 18 ITS. Code 1001; State penalties as prescribed by law.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**Important Note:** A motor carrier should not obtain a cab card from each State Commissioner of Safety from which it obtains an identification stamp or number. Only one cab card is required for each vehicle or driveaway movement irrespective of the number of identification stamps or numbers which may be required for its operation. Consequently, a motor carrier should obtain its supply of cab cards from the National Association of Regulatory Utility Commissioners, P. O. Box 684, Washington, D. C. 20044, or from the Commissioner of Safety of any State in which it is permitted to operate pursuant to authority issued by the ICC.

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b)(2)].

(Rule 1340-6-1-.27, continued)

**FORM D**  
**UNIFORM IDENTIFICATION CAB CARD**  
Operating Motor Carrier

ICC Operating Authority Number MC \_\_\_\_\_

Name of Carrier \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

**VEHICLE**

Type \_\_\_\_\_ \*Make \_\_\_\_\_

Year \_\_\_\_\_ \*Serial No. \_\_\_\_\_

Tractor - Truck - Bus - Driveway

\*\*State of Vehicle Registration \_\_\_\_\_

\*Name of Owner of Vehicle \_\_\_\_\_

The above described vehicle or driveway operation is being operated or conducted under authority granted by the Interstate Commerce Commission to the above described motor carrier. Where required by State law, such vehicle or driveway operation has been registered with each State whose current identification stamp or number is placed on the reverse side of this card and there has been Bled with each such State (to the extent required by such State) the information authorized by Section 202(b) (2) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b) (2)] and the rules and regulations promulgated thereunder.

The above described vehicle or driveway operation has been identified in conformity with the rules and regulations of the Interstate Commerce Commission.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute this document on behalf of the above carrier. (Federal penalties, maximum of \$10,000 or imprisonment for five years, or both, 18 U.S. Code 1001; State penalties as prescribed by law.)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date Executed \_\_\_\_\_

This card expires at 12:01 A.M., February 1, 19\_\_\_\_ or 19\_\_\_\_, whichever is earlier.

\*Not applicable to driveway operations.

\*\*If the State of vehicle registration changes during the period this cab card is effective, the motor carrier shall immediately indicate the change above by marking out the name of the State listed and inserting the name of the new State of vehicle registration in lieu thereof. This change shall be initialed by an official of the motor carrier.

This form determined by the National Association of Regulatory Utility, Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b) (2) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b) (2)].

RULES AND REGULATIONS AS TO SUPERVISION AND CONTROL  
OF MOTOR VEHICLES AND MOTOR BUSES

CHAPTER 1340-6-1

(Rule 1340-6-1-.27, continued)

Alabama	Alaska	Arkansas	Arizona	California	Colorado
Connecticut	Delaware	District of Columbia	Florida	Georgia	Hawaii
Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky
Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota
Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire
New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio
Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota
 1969 00001 TRACTOR TRANS.	Texas	Utah	Vermont	Virginia	Washington
West Virginia	Wisconsin	Wyoming			

(Rule 1340-6-1-.27, continued)

Tennessee Commissioner of Safety  
Commercial Vehicle Enforcement Division

**INTRASTATE PERMIT CARD**

Place  
Stamp  
Here

Form D-1

This Stamp Expires Dec. 31,



(Rule 1340-6-1-.27, continued)

**FORM E**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY**  
**DAMAGE LIABILITY CERTIFICATE OF INSURANCE**  
(Executed in Triplicate)

Filed with \_\_\_\_\_ (hereinafter called Commissioner of Safety)  
(Name of Commissioner of Safety)

This is to certify, that the \_\_\_\_\_  
(Name of Company)  
(hereinafter called Company) of \_\_\_\_\_  
(Home Office Address of Company)  
has issued to \_\_\_\_\_ of \_\_\_\_\_  
(Name of Motor Carrier) (Address of Motor  
carrier) a policy or policies of insurance effective from

\_\_\_\_\_ 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commissioner of Safety has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commissioner of Safety a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commissioner of Safety, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commissioner of Safety.

Countersigned at \_\_\_\_\_  
(Street Address) (City) (State) (Zip Code)  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
Authorized Company Representative

Insurance Company File No. \_\_\_\_\_  
(Policy Number)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

(Rule 1340-6-1-.27, continued)

**FORM F**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY**  
**DAMAGE LIABILITY INSURANCE ENDORSEMENT**

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commissioner of Safety having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commissioner of Safety indicated on the reverse side hereof.
3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State Commissioner of Safety with which such certificate has been filed, such thirty (30) days' notice to commence to run from the date the notice is actually received in the office of such Commissioner of Safety.

Attached to and forming part of policy No. \_\_\_\_\_

issued by \_\_\_\_\_ herein called

Company, of \_\_\_\_\_

To \_\_\_\_\_ of \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

Countersigned by \_\_\_\_\_  
Authorized Company Representative

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

(Rule 1340-6-1-.27, continued)

(REVERSE SIDE OF UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE  
LIABILITY INSURANCE ENDORSEMENT)

<b>✓—Indicates State Commissioners With Whom Uniform Motor Carrier Bodily Injury And Property Damage Liability Certificate Of Insurance Has Been Filed.</b>				
Alabama	Illinois	Montana	Rhode Island	
Alaska	Indiana	Nebraska	South Carolina	
Arizona	Iowa	Nevada	South Dakota	
Arkansas	Kansas	New Hampshire	Tennessee	
California	Kentucky	New Jersey	Texas	
Colorado	Louisiana	New Mexico	Utah	
Connecticut	Maine	New York	Vermont	
Delaware	Maryland	North Carolina	Virginia	
District of Columbia	Massachusetts	North Dakota	Washington	
Florida	Michigan	Ohio	West Virginia	
Georgia	Minnesota	Oklahoma	Wisconsin	
Hawaii	Mississippi	Oregon	Wyoming	
Idaho	Missouri	Pennsylvania		

(Rule 1340-6-1-.27, continued)

**FORM G**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY**  
**DAMAGE LIABILITY SURETY BOND**  
(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That we, \_\_\_\_\_  
(Name of Motor Carrier

\_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ as  
Principal) (City) (state)

Principal (hereinafter called Principal), and \_\_\_\_\_  
(Name of Surety)

a corporation created and existing under the laws of the State of \_\_\_\_\_ with principal

office at \_\_\_\_\_, \_\_\_\_\_ as Surety  
(city) (state)

(hereinafter called Surety), are held and firmly bound unto the State of \_\_\_\_\_ in the sum or  
sums hereinafter provided for which payment, well and truly to be made, the Principal and Surety  
hereby bind themselves, their successors and assigns, firmly by these  
presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS the Principal is or intends to become a motor carrier subject to the laws of such State and the rules and  
regulations of \_\_\_\_\_  
(Name of Commissioner of Safety)

(hereinafter called Commissioner of Safety), relating to insurance or other security for the protection of the public,  
and has elected to file with the Commissioner of Safety a surety bond conditioned as hereinafter set forth; and

WHEREAS, this bond is written to assure compliance by the Principal as a motor carrier of passengers or property  
with the laws of such State and the rules and regulations of the Commissioner of Safety relating to insurance or  
other security, for the protection of the public, and shall inure to the benefit of any person or persons who shall  
recover a final judgment or judgments against the Principal for any of the damages herein described.

NOW, THEREFORE, if every final judgment recovered against the Principal for bodily injury to or the death of any  
person or loss of or damage to the property of others, sustained while this bond is in effect, and resulting from the  
negligent operation, maintenance, or use of motor vehicles in transportation (but excluding injury to or death of the  
Principal's employees while engaged in the course of their employment, and loss of or damage to property of the  
Principal and property transported by the Principal designated as cargo), shall be paid, then this obligation shall be  
void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or deaths  
regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in  
the territory authorized to be served by the Principal or elsewhere.

This bond is effective from \_\_\_\_\_ (12:01 A. standard time, at the  
address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The  
Principal or the Surety may at any time terminate this bond by written notice to the Commissioner of Safety, such  
termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commissioner  
of Safety. The Surety shall not be liable hereunder for the payment of any judgment or judgments against the  
Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from  
accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the

(Rule 1340-6-1-.27, continued)

liability of the Surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur

during the time the bond is in effect. The liability of the Surety on each motor vehicle shall be the limits prescribed in the laws of such State and the results and regulations of the Commissioner of Safety governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
(Principal)

[Affix Corporate Seal] By \_\_\_\_\_

\_\_\_\_\_  
(surety)

\_\_\_\_\_, \_\_\_\_\_  
(city) (State)

BY \_\_\_\_\_

Countersigned at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Bond No. \_\_\_\_\_  
Registered Resident Agent

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

(Rule 1340-6-1-.27, continued)

**FORM H**

UNIFORM MOTOR CARRIER CARGO  
CERTIFICATE OF INSURANCE  
(Executed in Triplicate)

Filed with \_\_\_\_\_ (hereinafter called Commissioner of  
Safety)  
(Name of Commissioner of Safety)

This is to certify, that the \_\_\_\_\_  
(Name of Company)

(hereinafter called Company) of \_\_\_\_\_  
(Home Office Address of Company)

has issued to \_\_\_\_\_ of  
(Name of Motor Carrier) (Address of Motor Carrier)

a policy or policies of insurance effective from \_\_\_\_\_  
12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until canceled  
as provided herein, which, by attachment of the Uniform Motor Carrier Cargo Insurance Endorsement, has or have  
been amended to provide cargo insurance covering the obligations imposed upon such motor carrier by the  
provisions of the motor carrier law of the State in which the Commissioner of Safety has jurisdiction or regulations  
promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commissioner of Safety a duplicate original of said policy  
or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to  
which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days'  
notice in writing to the State Commissioner of Safety, such thirty (30) days' notice to commence to run from the  
date notice is actually received in the office of the Commissioner of Safety.

Countersigned at \_\_\_\_\_  
(Street Address) (City) State (Zip Code)

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
(Authorized Company Representative)

Insurance Company File No. \_\_\_\_\_  
(Policy Number)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the  
Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act  
(49 U.S.C., Sec. 302(b)(2)).

(Rule 1340-6-1-.27, continued)

**FORM I**  
**UNIFORM MOTOR CARRIER CARGO**  
**INSURANCE ENDORSEMENT**

It is agreed that:

1. The certification of the policy as proof of responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commissioner of Safety having jurisdiction with respect thereto, amends the policy to provide insurance for motor carrier cargo liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Cargo Certificate of Insurance has been filed with the State Commissioner of Safety indicated on the reverse side hereof.
3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State Commissioner of Safety with which such certificate has been filed, such thirty (30) days' notice to commence to run from the date the notice is actually received in the office of such Commissioner of Safety.

Attached to and forming part of policy No. \_\_\_\_\_

issued by \_\_\_\_\_ herein called Company

of \_\_\_\_\_

to \_\_\_\_\_ of \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_.

Countersigned by \_\_\_\_\_  
(Authorized Company Representative)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act 49 U.S.C., 302(b)(2)).

(Rule 1340-6-1-.27, continued)

(REVERSE SIDE OF UNIFORM MOTOR  
CARRIER CARGO INSURANCE ENDORSEMENT)

✓—Indicates State Commissions With Whom Uniform Motor Carrier Cargo Certificate Of Insurance Has Been Filed.			
Alabama	Illinois	Montana	Rhode Island
Alaska	Indiana	Nabraska	South Carolina
Arizona	Iowa	Nevada	South Dakota
Arkansas	Kansas	New Hampshire	Tennessee
California	Kentucky	New Jersey	Texas
Colorado	Louisiana	New Mexico	Utah
Connecticut	Maine	New York	Vermont
Delaware	Maryland	North Carolina	Virginia
District of Columbia	Massachusetts	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Oregon	Wyoming
Idaho	Missouri	Pennsylvania	



(Rule 1340-6-1-.27, continued)

**FORM J**  
**UNIFORM MOTOR CARRIER CARGO SURETY BOND**  
(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That we \_\_\_\_\_  
Name of Motor Carrier

\_\_\_\_\_ of \_\_\_\_\_ as  
Principal City State

Principal (hereinafter called Principal), and \_\_\_\_\_  
(Name of Surety)

\_\_\_\_\_ a corporation created and existing under the

laws of the State of \_\_\_\_\_ with principal office at

\_\_\_\_\_ as Surety (hereinafter called  
City State

Surety), are held and firmly bound unto the State of \_\_\_\_\_ in the sum or  
sums hereinafter provided for which payment, well and truly to be made, the Principal and Surety hereby bind  
themselves, their successors and assigns, firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH THAT:**

**WHEREAS**, the Principal is or intends to become it motor carrier subject to the laws of such State and the rules and  
regulations of the \_\_\_\_\_  
Name of Commissioner of Safety

(hereinafter called Commissioner of Safety), relating to insurance or other security for the protection of shippers and  
consignees, and has elected to file with the Commissioner of Safety a bond conditioned as hereinafter set forth, and

WHEREAS, this bond is written to assure compliance by the Principal as motor carrier with the laws of such State  
and the rules and regulations of the Commissioner of Safety relating to insurance or other security for the protection  
of shippers and consignees, and shall inure to the benefit of any and all shippers or consignees to whom the Principal  
may be held liable for ally of the damages herein described.

NOW, THEREFORE, if the Principal shall make compensation to shippers and consignees for all losses of or  
damage to property belonging to them which shall, while this bond is in effect, come into the possession of the  
Principal in connection with its transportation service, regardless of whether such losses or damages occur while  
said property is in a motor vehicle, terminal, warehouse or other place, for which losses or damages the Principal  
may be held legally liable, then this obligation shall be void, otherwise it shall remain in full force and effect.

The liability of the Surety for the limits hereinafter provided shall be a continuing one notwithstanding any recovery  
hereunder, and extends to such losses or damages regardless of whether the motor vehicles, terminals, warehouses,  
and other facilities used in connection with the transportation service of the Principal are specifically described  
herein or not, and whether occurring oil the route or in the territory authorized to be served by the Principal or  
elsewhere.

The liability of the Surety for any such loss or damage shall be the limits prescribed in the laws of such State and the  
rules and regulations of the Commissioner of Safety governing the filing of surety bonds, which were in effect at the  
time this bond was executed, and will be a continuing notwithstanding any recovery hereunder.

This bond is effective from \_\_\_\_\_ (12:01 A.M., standard time)

(Rule 1340-6-1-.27, continued)

At the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commissioner of Safety, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commissioner of Safety.

The Surety shall not be liable hereunder for the payment of any of the losses or damages hereinbefore described which arise oil property coming into the possession of the Principal in connection with its transportation service after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such Jones or damages arising on property coming into the possession of the Principal in connection with its transportation service prior to the date such termination becomes effective.

**IN WITNESS WHEREOF**, the said Principal and Surety have executed  
this instrument on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
(Principal)

[Affix Corporate Seal] BY \_\_\_\_\_

\_\_\_\_\_  
(surety)

\_\_\_\_\_  
(City

\_\_\_\_\_  
(State)

By \_\_\_\_\_

Countersigned at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_.

Bond No. \_\_\_\_\_  
(Registered Resident Agent)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

(Rule 1340-6-1-.27, continued)

**FORM K**  
**UNIFORM NOTICE OF CANCELLATION OF**  
**MOTOR CARRIER INSURANCE POLICIES**  
(Executed in Triplicate)

Check Type	Canceled
BI and PD	_____
Cargo	_____

Filed with \_\_\_\_\_ (hereinafter called Commissioner  
of Safety)

(Name of Commissioner of Safety)

This is to advise that under the terms of a policy or policies issued to

\_\_\_\_\_  
(Name of Motor Carrier)

of \_\_\_\_\_

(Address of Motor Carrier)

by \_\_\_\_\_

(Name of Company)

of \_\_\_\_\_

(Address)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled

effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, 12:01 A.M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commissioner of Safety.

\_\_\_\_\_  
Signature of Insuror

INSURANCE COMPANY FILE NO. \_\_\_\_\_  
(Policy Number)

This form determined by the National Association of Railroads and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

Following equipment was in my possession in serviceable condition at time of departure:

Fire Extinguisher	_____
Spare Electric Bulbs	_____
Tire Chains (if needed)	_____
3 Pot Flares (or)	_____
3 Red Electric Lanterns	_____
3 Fuses (if flares used)	_____
3 Red Cloth Flags, 2 with Standards	_____
1 Metal First-Aid Kit (for buses)	_____
1 Hand Axe (for buses)	_____

Signed \_\_\_\_\_, Driver

(Rule 1340-6-1-.27, continued)

Show in blank spaces satisfactory, or condition of items, Driver will not take unit out until inspected and this report filed. All items must be checked.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.27 was transferred from Chapter 1220-2-1-.27 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.28 LEASES.**

- (1) Leasing of Motor Vehicle Equipment - Motor carriers desiring to lease motor vehicles to be used under their certificates or permits must carry a copy of the lease or contract in the vehicle which is specified in the agreement during the entire period of the agreement. The contract or lease shall provide for the exclusive possession, control, and use of the vehicle and for the complete assumption of responsibility in respect thereto, by the lessee for the duration of the lease or contract, except that provisions may be made for considering lessee as owner for the purposes of subleasing under this rule to other authorized carriers during the duration of this arrangement. All leased equipment must have displayed in each such leased vehicle a stamp as required by Rule 1340-6-1-.21 or a trip lease permit as set forth in paragraph (2) of this Rule.
- (2) Trip Leases - The Commissioner of Safety will furnish, upon request, all certificated and permitted motor carriers of commodities over the highways of the State of Tennessee a "trip lease" form for a period of ten (10) days or one (1) trip for operation on the highways of the State of Tennessee as required by the Tennessee Statutes and rules and regulations of this Commissioner of Safety. The said form shall be issued in duplicate at a nominal fee of \$2.00 by the Director of the Motor Carrier Division and the blanks and the effective date of the said form shall be typewritten and the duplicate of the form shall be forwarded to the Commissioner of Safety on the date of issuance by the said motor carrier. The form shall be numbered from one thousand (1,000) consecutively and shall show on its face that it is a trip lease good for one (1) trip or ten (10) days, name and address of the lessee; name and address of the lessor, and date of issuance by said motor carrier.
- (3) Rules and Regulations Governing Household Goods Carriers in Leasing Motor Vehicles from Others, in Domiciling Motor Vehicle Equipment, and in Using Agents
  - (a) Definitions:
    1. The term "household goods carrier" as used in these rules means the holder of a common carrier certificate of public convenience and necessity issued by this Commissioner of Safety authorizing the transportation of household goods.
    2. The term "domiciling motor vehicle equipment" as used in these rules means the stationing of a motor vehicle or motor vehicles by a household goods carrier, through the use of lease arrangements or otherwise, at a place which is used as a base of operations for such vehicle or vehicles in carrying on the business of household goods carriage.
    3. The term "agent" where used in these rules means the employee or representative of a certificated household goods, carrier compensated by salary or by Commissioner of Safety, or both, or any other person, who is designated by the carrier as its agent and is held out to the public to render service within the scope of the carrier's authority, but does not include any person or persons who act as a solicitor or booking agent only.
  - (b) Leasing of Motor Vehicles:

(Rule 1340-6-1-.28, continued)

1. A household goods carrier may lease motor vehicles from others only under the following conditions:
    - (i) To replace motor vehicles disabled or undergoing repair when such vehicle is leased to complete the transportation of a shipment which was originally destined to move upon such disabled vehicle.
    - (ii) To augment its motor vehicle equipment when and only when the lease of a vehicle is in writing and is for a period of not less than ninety (90) days.
  2. All vehicle leases shall provide that the lessee-carrier assumes full and complete responsibility and liability for the operation of the leased vehicle and for all cargo transported thereon during the term of the lease. All leased vehicles shall comply fully with the rules and regulations of the Commissioner of Safety.
  3. During the term of such lease, the leased vehicle shall not be subleased and the lessee household goods carrier shall not allow said vehicle to be used for any transportation other than transportation performed by said lessee-carrier.
  4. Each household goods carrier upon entering into a lease of a motor vehicle or vehicles, shall file a copy of such lease with the Commissioner of Safety on same day of execution thereof and shall at all times keep on file with the Commissioner of Safety a complete list of all leased vehicles showing the identification of the vehicle, the name of the lessor and the place where such vehicle is stationed. All leases executed under the conditions specified in (1)(a) of this Rule shall specifically identify the motor vehicle disabled or undergoing repair that is replaced by the leased vehicle
  5. All executed copy of the lease under which a vehicle is operating shall be carried on such vehicle at all times.
- (c) Domiciling Equipment:
- Household goods carriers may not domicile motor vehicle equipment, either carrier owned or leased, at any place other than their principal place of business as shown by the original authority or by the original application therefor, issued to such carrier or its predecessor by this Commissioner of Safety without having obtained specific authority from this Commissioner of Safety to so do. Authority to domicile equipment at a location other than the principal place of business of such carrier will be granted by this Commissioner of Safety only after application therefor and a copy of the lease agreement has been filed with this Commissioner of Safety.
- (d) Agents:
1. Every household goods carrier shall register and keep on file with the Commissioner of Safety the correct name, mailing address and location of each of its agents in the State of Tennessee.
  2. A household goods carrier may not register or have more than one agent as defined herein in a municipality, town or community and an agent shall be the agent of only one household goods carrier.
  3. The Commissioner of Safety may at any time inquire into and investigate the fitness of any agent registered by such carrier under these rules. If it finds such agent to be unfit in the public interest to represent the carrier principal in services to the public it may

(Rule 1340-6-1-.28, continued)

disapprove the registration of such agent and thereafter said carrier principal shall not allow such person, firm or corporation to act as its agent.

4. A household goods carrier shall not transport any shipment solicited or accepted for shipment by one other than its registered agent or a full time employee of such carrier or such agent, provided, however, this shall not prevent household goods carriers as defined by these rules from interlining shipments with each other.
- (e) For the purpose of this rule the principal place of business of household goods carriers as shown by their certificate of convenience and necessity shall be deemed to be the principal place of business and domicile. Any household goods carriers desiring different and separate domiciles shall apply for same as set forth in the above rule.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.28 was transferred from rule 1220-2-1-.28 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.29 RULES GOVERNING THE ESTIMATES OF CHARGES, DETERMINATION OF WEIGHTS, AND THE HANDLING OF CLAIMS FOR LOSS OR DAMAGE BY HOUSEHOLD GOODS MOVERS.**

(1) DETERMINATION OF WEIGHTS

(a) Loaded Weight, Tare Weight, and Constructive Weight.

1. Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of shipment, or in the direction of the next pick-up or delivery in the case of part loads.
2. If no adequate scale is available at origin, at any point enroute, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, enroute, or at destination without first unloading it or other part loads being carried in the same vehicles.

- (b) Part Loads. In the transportation of part loads, this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(2) ESTIMATES OF CHARGES

- (a) Estimate Form for Shipper's Use, Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and

(Rule 1340-6-1-.29, continued)

other household articles of various types, for use by the shipper in making his own estimate of the true weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form.

- (b) Specific request of shipper for notification. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be made as soon as possible prior to the time when the shipment is offered for delivery.
  - (c) Notification to shipper where charges exceed estimate. Whenever actual charges on any shipment exceed by more than 10 per cent or \$25, whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense as soon as possible after the determination is made and before delivery. Provided, that this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied upon request by the carrier, an address or telephone number at which the communication would be received.
  - (d) Report of Underestimates. Every motor common carrier of household goods shall file each month with the Commissioner of Safety, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37210, a report of all instances during the preceding month where the actual charges for services rendered exceeded the estimates of such charges by 10 per cent or \$25.00, which is greater, with an explanation of reasons for variances.
  - (e) Reweighing. The carrier, upon request of shipper, owner or consignee, made prior to delivery of a shipment, and when practical to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight and the reweigh net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or two per cent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established.
  - (f) Information on Bill of Lading. Each Bill of Lading on household goods shipments shall have indicated thereon the method by which the estimate of charges was made and the amount of the estimate.
- (3) CLAIMS FOR LOSS OR DAMAGE
- (a) Acknowledgement of Claims. Every Common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.
  - (b) Handling by carrier. Every such carrier which receives a written claim for loss by damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent. Provided, that, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and at the expiration of each succeeding thirty-day period while the claim remains pending advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the Commissioner of Safety, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37210.

(Rule 1340-6-1-.29, continued)

(4) INFORMATION TO SHIPPERS

Each household goods carrier shall be required to present each prospective household goods shipper an information pamphlet containing such provisions as this Commissioner of Safety shall prescribe or approve.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.29 was transferred from rule 1220-2-1-.29 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-30 CAREFUL OPERATION.** All motor vehicles shall be operated in accordance with the requirements of the state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is lawful, reasonable or proper, having due regard to the traffic and use of the way by others, or so as to endanger the life and limb of any person, nor shall any person operate a motor vehicle, until such operator shall have complied in all respects with the requirements of Title 59, Chapter 7, of the Tenn. Code Annotated.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Amendment filed April 28, 1975; effective May 28, 1975. Rule 1340-6-1-.30 was transferred from rule 1220-2-1-.30 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-31 RAILROAD CROSSINGS.** Drivers or operators of motor vehicles, before crossing a track of any steam or interurban railroad at grade, shall bring their vehicle to a full stop not less than fifteen or more than fifty feet from the nearest rail of such track or tracks, and before proceeding shall ascertain that no cars or trains are approaching from either direction. The vehicle shall not be put in high gear, nor shall the driver shift gears, until it has crossed the track or tracks.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.31 was transferred from rule 1220-2-1-.31 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-32 TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES.** The Commissioner of Safety hereby adopts the rules and regulations and any amendments, supplements or revisions thereto contained in the Interstate Commerce Commission of Safety regulations for transportation of explosives and other dangerous articles by motor, rail and water, including specifications for shipping containers (American trucking associations, inc., agent, issued September 21, 1959 to become effective November 20, 1959) (tariff no. 10, MF-ICC. no. ii) as adopted by DOT 49 C.F.R., sub chapter a, part 100-179.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.32 was transferred from rule 1220-2-1-.32 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-33 ACCIDENT REPORTS.** Accident reports made by motor carriers in compliance with these regulations shall be for the information of the Commissioner of Safety, and shall not be open to public inspection.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.33 was transferred from rule 1220-2-1-.33 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.



**1340-6-1-.34 FORM FOR ACCIDENT REPORTS.**

- (1) Every motor carrier shall mail to the Commissioner of Safety, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37210, a report in writing as to every accident in which any motor vehicle operated by him or it is involved in and from which there results the death of any person, personal injury requiring medical attention, or property damage to an apparent extent amounting to \$2,000.00 or more, within 10 days after the date of such accident.
- (2) Such report shall include the following information:
  - (a) Date, hour, and exact location of the accident;
  - (b) Name and address of the reporting carrier; find signature and title of person making report;
  - (c) Type of motor vehicle involved;
  - (d) Number of persons killed or injured, with statement as to whether injuries are of serious or minor nature; and
  - (e) Estimated amount of property damage.
- (3) A further detailed report as to each reportable accident shall be furnished promptly by the motor carrier upon demand, using for this purpose a form to be furnished by the Commissioner of Safety, or the form designated by the U. S. Department of Transportation.
- (4) Whenever the death of any person results from such accident after the time the motor carrier submits report of the accident as required by Paragraphs 1 and 2 of this section, notice of such death shall be given by the motor carrier in writing to the Commissioner of Safety, as soon as such death is known to the motor carrier, with sufficient information to identify the accident and front which the death resulted.
- (5) Every motor carrier or persons operating equipment subject to the provisions of T.C.A. §65-1515 shall make available to the duly authorized representative or representatives of the Commissioner of Safety, all records which in any way pertain to any reportable accident and shall afford all reasonable assistance in the investigation of any such accident.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.34 was transferred from rule 1220-2-1-.34 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.35 CLASSIFICATION OF ACCOUNTS.** Motor carriers and/or contract haulers shall keep an accurate record of receipts and disbursements according to classification of accounts as prescribed by the Interstate Commerce Commission. The record shall be subject to inspection by representatives of the Commissioner of Safety at all times.

**Authority:** T.C.A. §5-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.35 was transferred from rule 1220-2-1-.35 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.36 ANNUAL REPORTS.** At the close of each calendar year, motor carriers and/or contract haulers must secure from the Commissioner of Safety annual report blanks and file the same on or before April 1st. The report will be of design to cover the receipts from operation, operating and other expenses and business transacted during the year. These reports must be filed as of December 31st of the preceding year. This rule applies to intrastate carriers only.

(Rule 1340-6-1-.36, continued)

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.36 was transferred from rule 1220-2-1-.36 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.37 REVOCATION OF CERTIFICATES, PERMITS AND MODIFICATION OF RULES.** The failure on the part of any motor carrier to comply with any of these rules and regulations will be sufficient cause for the Commissioner of Safety, in its discretion, to revoke a certificate or permit. These rules and regulations are for general application and are subject to such changes and modifications as the Commissioner of Safety, from time to time, may determine advisable, and also subject to such exceptions as may be considered just and reasonable in individual cases.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.37 was transferred from rule 1220-2-1-.37 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.38 COMMERCIAL ZONES AND TERMINAL AREAS FOR TENNESSEE INTRASTATE FREIGHT CARRIERS -EXCEPTIONS.**

(1) Definitions:

- (a) The term municipality or municipalities, as used in this order should to understood to refer only to cities, towns, villages and boroughs which have been created by special legislative acts or otherwise individually incorporated or chartered pursuant to general laws or which are recognized as such under the Constitution or by the laws of the State of Tennessee, and which have existing local governments.
- (b) Distances -Airline distances about corporate limits of municipalities shall be used in all instances.
- (c) Population - The population of any municipality shall be that shown for such municipality by the 1960 Decennial Census conducted by the United States Bureau of Census, or any subsequent Decennial Federal Census.
- (d) Unincorporated area. The term “Unincorporated area” as used herein means any area regardless of its urban development not included within the corporate limits of an incorporated city, town village or borough.
- (e) Contiguous municipalities: Two municipalities having the same common border or boundary, (contiguous for the purpose used herein, shall not mean in close proximity to one another.)
- (f) Adjacent municipalities - Municipalities which although not contiguous have a distance of not over It miles between their respective boundaries or corporate limits at any point or points.
- (g) Base municipality -Base Municipality designates the municipality whose commercial zone is under consideration.
- (h) Terminal Areas -The limits around a city which line-haul carriers authorized to serve the particular city may serve.

(2) The commercial zone of each municipality shall consist of:

- (a) The base municipality which shall include all annexations thereof on the effective date of the annexation and the population of which is determined by the last official census.

(Rule 1340-6-1-.38, continued)

- (b) All contiguous municipalities within the State of Tennessee.
  - (c) All unincorporated areas as follows:
    - 1. When the base municipality has a population less than 2,500 all unincorporated areas within 2 miles of its corporate limits and all of any other municipality any part of which is within 2 miles of the corporate limits of the base municipality
    - 2. When the base municipality has a population of 2,500, but less than 25,000, all unincorporated areas within 3 miles of the corporate limits and all of any other municipality any part of which is within 3 miles of the corporate limits of the base municipality;
    - 3. When the base municipality has a population of 25,000, but less than 100,000, all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality;
    - 4. When the base municipality has a population of 100,000 or more, all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality.
  - (d) All adjacent municipalities any part of which would be included under (c) above as unincorporated.
  - (e) All municipalities completely surrounded by the base municipalities and any contiguous municipality or adjacent municipality included in the zone under No. (d) above.
  - (f) That the base municipality of Metropolitan Nashville and Davidson County, Tennessee shall be extended to include all of Davidson County, but this commercial zone shall, under no provisions, or any circumstances, extend into the surrounding counties, but shall terminate at the Count line of Davidson County.
- (3) The terminal area within the meanings of the above definition, of any motor carrier of property authorized by this Commissioner of Safety under Sections 65-1507 and 65-1510 Tennessee Code Annotated, at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property shall be construed as:
- (a) All points or places in Tennessee which are located within the limits of the operating authority of the motor carrier of property, and within 2-1/2 miles of the post office at such authorized unincorporated point.
  - (b) All of any municipality any part of which is included under (a) of this section.
  - (c) Any municipality wholly surrounded by any municipality included under (b) of this section or so wholly surrounded except for a water boundary.
- (4) EXCEPTIONS.-The points of Warcer, Tennessee and Jersey-Tyner, Tennessee shall be excluded from the commercial zones of Knoxville and Chattanooga, Tennessee, respectively; that the commercial zone applicable to the point of Ducktown, Tennessee, shall be extended east along U. S. Highway 64 to the North Carolina line so as to authorize common carrier service thereto.
- (5) CLARKSVILLE COMMERCIAL ZONE. That the Commercial Zone of Clarksville, in addition to that set forth above, shall be extended northeastwardly from the existing zone at approximately the

(Rule 1340-6-1-.38, continued)

intersection of U. S. Highways 79 and 1-24 northwardly to the Tennessee Kentucky State Line in a corridor three miles in width, the same encompassing the L & N right-of-way as well as Highway 79 to the Tennessee-Kentucky State Line.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule filed January 20, 1977; effective February 19, 1977. Rule 1340-6-1-.38 was transferred from rule 1220-2-1-.38 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.39 FREIGHT CLASSIFICATION-RATINGS, RULES AND REGULATIONS.** The Commissioner of Safety hereby adopts the rules and regulations and any amendments thereto contained in National Motor Freight Classifications A-6, MF-ICC-4, National Motor Freight Traffic Association, Inc. Agent issued by F. G. Freund October 21, 1961; effective December 21, 1961, provided, however, that nothing contained in National Motor Freight Classification A-6, MFICC-4, FMB-4 shall prohibit or prevent the Commissioner of Safety from suspending or canceling a tariff as provided elsewhere in these rules and regulations.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.39 was transferred from rule 1220-2-1-.39 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.40 ADOPTION OF I.C.C. AGREEMENT BETWEEN CARRIERS.** The rules and regulations governing the agreements between or among two or more carriers relating to rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation paid or received for the use of facilities or equipment), or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation or establishment thereof as set forth by the Interstate Commerce Commission in §5a of the Interstate Commerce Act, are hereby adopted by the Commissioner of Safety; provided, however, that the final determination on any rates, fares, classifications, divisions, allowances, charges, rules and regulations or procedure shall be left in its final determination to the Commissioner of Safety.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.40 was transferred from rule 1220-2-1-.40 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.41 ALTERNATE ROUTE DEVIATIONS BY MOTOR CARRIERS FROM AUTHORIZED REGULAR ROUTES.**

- (1) Applicability of rules. Subject to all other rules and regulations of the Commissioner of Safety applicable to specific situations or operations, none of which other rules or regulations is superseded by this part, the rules and regulations in this part are hereby found to be just and reasonable and adopted and made applicable so far as pertinent to the operations within the State of Tennessee under authority of certificates and permits issued by this Commissioner of Safety of all motor carriers.
- (2) Definitions. As used in this part the following words and terms shall be construed to have meanings as follows:
  - (a) Regular service route. A designated highway or series of highways over which a regular-route motor carrier is specifically authorized to operate with provision in the carrier's certificate or permit for service at terminal, intermediate, or off-route points as specified therein, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's authority or as two or more routes which are combined by joinder at a common service point or points.
  - (b) Alternate route. A designated highway or series of highways lying wholly within the State of Tennessee over which a regular-route motor carrier may operate in the interest of economy or convenience or to avoid congested areas, dangerous grades, sharp curves, or other hazards on an

(Rule 1340-6-1-.41, continued)

- authorized regular service route, deviating from a point on such authorized regular service route and returning at some other point on the same regular service route.
- (c) Point of Deviation. The point where a motor carrier using, or proposing to use, an alternate route, as defined in sub-paragraph (b) of this paragraph or any other deviation route, under authority of this part, departs from, or proposes to depart from, its specifically authorized service territory or regular service route.
  - (d) Point of Return. The point where a carrier using, or proposing to use, an alternate route, as defined in sub-paragraph (b) of this paragraph or any other deviation route, under authority of this part, returns to, or proposes to return to, its specifically authorized service territory or regular service route.
  - (e) Service Point. A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service.
- (3) Authority for deviations by motor carriers from operating authorities in described circumstances. Subject to the requirements and conditions hereinafter stated and particularly the general and conditions and requirements set forth in paragraph (4) of this section motor carriers holding operating authority from this Commissioner of Safety are hereby authorized in circumstances hereinafter described and subject to the conditions and limitations hereinafter set forth, to deviate from their specifically authorized regular service routes in order to utilize, as an alternate route for operating convenience only, so-called interstate highways or freeways, in the circumstances and to the extent hereinafter stated without obtaining other prior spectre authority therefor:
- (a) Alternate routes for operating conveniences only. Where a regular route motor carrier is authorized to operate over a regular service route and there is wholly within the State of Tennessee a so-called interstate highway, freeway, superhighway, turnpike, throughway, or expressway which extends in the same general direction as such regular service route and affords a reasonably direct and practicable route between any two points on such regular service route, it may, subject to the general conditions and requirements set forth in paragraph (4) of this section, use such other highway as an alternate route for operating convenience only with no service at any intermediate point thereon, and with no service at the termini except as may otherwise be authorized, in the manner and to the extent, as follows:
    - 1. Interstate highways, freeways, superhighways, turnpikes, throughways, or expressways as alternate routes. Where a regular route motor carrier is authorized to operate over a regular service route and there is extending in the same general direction as said service route, and wholly within the State of Tennessee, a so-called interstate highway, freeway, superhighway, turnpike throughway, or expressway, then such interstate highways, freeways, superhighways, turnpikes, throughways, or expressways, and such additional highways as may be necessary to use in traveling the shortest practicable route between the carrier's authorized regular service route and the interstate highway, freeway, superhighway, turnpike, throughway, or expressway may be used as an alternate route between two points on the carrier's regular service route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over, or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return; provided however that the use of the said alternate route will not materially change the competitive situation between such carrier and any other, or otherwise create new or additional service.

(Rule 1340-6-1-.41, continued)

- (4) General conditions and requirements. Where reference is made thereto in the foregoing special rule, the following general conditions and requirements shall be applicable and shall be complied with as a condition to the grant of authority herein for the particular deviation:
  - (a) When an alternate route deviation under paragraph (3) (a) of this section is proposed, the carrier shall give prior notice thereof to the Commissioner of Safety and to others in the manner provided in sub-paragraph (b) of this paragraph. A summary of such notice will be provided by the Commissioner of Safety and sent by the Commissioner of Safety to all carriers authorized by the Commissioner of Safety to operate in the area of the deviation and operation over such deviation route shall not under any circumstances be commenced until the elapse of 20 days after the service of such notice by the Commissioner of Safety and if a protest against any such proposed deviation is filed within such Friday period the proposed deviation shall not be commenced until the Commissioner of Safety has considered and overruled the protest and found that the proposed deviation meets the requirements of, and is permissible, under these rules.
  - (b) Said notice required by and described in sub-paragraph (a) of this paragraph shall be accompanied by a map showing in different colors the routes involved and authorized off-route points, including in each instance the official highway designations of the authorized regular service route from which deviation is proposed and other service routes of the carrier, if any, in the area, also the highway designations of the proposed deviation route and other specifically authorized alternate routes, if any, in the area, and the distances (actual mileage) between the points of deviation and return (the actual junctions) over the regular service route from which deviation is proposed and over the deviation route.
  - (c) Failure to give notice or defective notice. Where a notice of a proposed alternate-route deviation is not timely filed and served on competing carriers, any deviation operation begun prior to the actual filing and service of notice is unauthorized and where a notice, though filed, is defective for want of required information or insufficient service on competing carriers, or for any other reason, it shall be subject to rejection and if rejected any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until another and sufficient notice has been filed, and served on competing carriers as hereinbefore required, and the carrier has been notified in writing by the Commissioner of Safety that the operation may be resumed.
  - (d) The right to operate over a deviation route which is subject to the general conditions and requirements set forth in this paragraph shall continue only so long as the carrier is performing, when required by this part reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in this part are observed.
- (5) Protests and replies thereto. Any person who considers that he is or will be adversely affected by a deviation described or proposed in any notice filed under paragraph (4) of this section may file at any time a protest against such deviation. Such protest may be in the form of a letter but shall contain a recital of facts and information showing protestant's interest and supporting his opinion that the facts and circumstances upon which the right to deviate depends are nonexistent, or have been incorrectly described, or that the carrier filing the deviation notice has not met the applicable conditions and requirements, and shall show that a copy thereof has been furnished to the carrier filing the notice. If such a protest is filed, the carrier which has filed the deviation notice may reply thereto within 10 days, after which the Commissioner of Safety will give due consideration to all facts of record or otherwise available to it in the particular case, including the notice and protest, and will make a determination in accordance therewith, or set the same down for public hearing.
- (6) Commissioner of Safety may forbid deviation. The Commissioner of Safety may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any

(Rule 1340-6-1-.41, continued)

such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, undesirable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

- (7) Motor Carriers lawfully utilizing any deviation route pursuant to prior proceedings heretofore conducted in accordance with the provisions of any prior rule or order heretofore made or entered shall not be required to file any further notice with this Commissioner of Safety concerning the use of such route.
- (8) These rules may be referred to and cited as the Commissioner of Safety's Alternate Route Deviation Rules, 1968.

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.41 was transferred from rule 1220-2-1-.41 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.42 IDENTIFICATION INTRASTATE CARRIERS.** Every carrier operating solely in intrastate commerce and subject to the jurisdiction of this Commissioner of Safety shall have displayed on side of each vehicle the following information:

- (a) Name of owner, or lessee
- (b) Tennessee Department of Safety Certificate Number
- (c) Unit Number

**Authority:** T.C.A. §65-202. **Administrative History:** Original rule certified May 9, 1974. Rule 1340-6-1-.42 was transferred from rule 1220-2-1-.42 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.43 HANDLING OF C.O.D. SHIPMENTS.**

- (1) The provisions of this rule shall apply to the transportation by motor vehicle of c.o.d. shipments by all motor carriers of property subject to T.C.A. §65-15-101, et seq., except such transportation which is auxiliary to or supplemental of transportation by railroad and performed on railroad bills of lading.
- (2) No motor carrier of property subject to the provisions of T.C.A. §65-15-101, et seq., except as otherwise provided in Section (1) of this rule shall render any c.o.d. service unless such carrier has published, posted and filed tariffs which contain the rates, charges and rules governing such service.
- (3) Every motor carrier of property subject to the provisions of T.C.A. §65-15-101, et seq., except as otherwise provided in Section (1) of this rule, shall remit each c.o.d. collection directly to the consignor or other person designated by the consignor as payee promptly and within ten (10) days after delivery of the c.o.d. shipment to the consignee. If the c.o.d. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the c.o.d. collection to the consignor or payee, notify the originating carrier of such remittance.
- (4) Every motor carrier of property subject to the provisions of T.C.A. §65-15-101 et seq., except as otherwise provided in Section (1) of this rule, handling c.o.d. shipments as a delivering carrier shall maintain a record of all c.o.d. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment:
  - (a) Number and date of freight bill;

(Rule 1340-6-1-.43, continued)

- (b) name and address of shipper or other person designated as payee;
  - (c) name and address of consignee;
  - (d) date shipment delivered;
  - (e) amount of c.o.d.;
  - (f) date collected by delivering carrier;
  - (g) date remitted to payee, and
  - (h) check number or other identification of remittance to payee.
- (5) This rule is not intended to require that all motor carriers herein provide c.o.d. shipments. Further, any carrier herein which does not provide c.o.d. shipments is not subject to the requirements of this rule.

**Authority:** T.C.A. §§65-2-102 and 65-15-101 et seq. **Administrative History:** Original rule filed June 6, 1979; effective July 23, 1979. Rule 1340-6-1-.43 was transferred from rule 1220-2-1-.43 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

#### **1340-6-1-.44 SIGHTSEEING TOUR SERVICES.**

- (1) Pursuant to T.C.A. §65-15-106, as amended by Chapter 474 of the Public Acts of 1983, sightseeing tour service is recognized as a separate category of motor carrier for general purposes of regulation by the Commissioner of Safety.
- (2) Definitions
- (a) “Sightseeing” is the transportation of persons by motor vehicle to, from, by or through points of interest, i.e., for example, places having an aesthetic, educational, historical or recreational appeal to the traveling public;
  - (b) “Sightseeing tour service” is the providing or furnishing for hire of transportation service by motor vehicle to passengers for the purpose of sightseeing, wherein some one or more factors related to sightseeing are furnished in addition to the bare movement between points;
  - (c) “Persons providing or furnishing sightseeing tour services” means any person who, directly or indirectly, offers, determines the course of and charges for a sightseeing tour service to the public, is providing or furnishing transportation service, and is a motor carrier within the meaning of T.C.A. §65-15-102 (d), regardless of who may own, or have the right to possession of, the motor vehicle by means of which such service is rendered. Any such person must accordingly hold a certificate of public convenience and necessity in accordance with T.C.A. §65-15-107 (a).
- (3) This rule is not intended to affect and shall not be construed as affecting the existing authority of any carrier.

**Authority:** T.C.A. §§65-2-102, 65-15-104, and 65-15-106. **Administrative History:** Original rule filed September 25, 1984; effective October 25, 1984. Rule 1340-6-1-.44 was transferred from rule 1220-2-1-.44 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.



**1340-6-1-.45 ROADSIDE PARKING.**

- (1) No person shall stop, park, or leave standing any commercial motor vehicle, whether attended or unattended, upon the paved or main-traveled part or the shoulder of any highway on/off ramp outside of a business district.
- (2) This section shall not apply to the driver of any commercial motor vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to any vehicle complying with law, Commissioner of Safety regulations or directions of a law enforcement officer.
- (3) This section shall not apply to the driver of any commercial motor vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the Commissioner of Safety or any local regulatory transit authority of Tennessee authorizing the operation of such vehicle, while taking on or discharging passengers. In any event, an obstructed lane of travel of the highway opposite such standing vehicle shall be left for free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet (200') in either direction upon the highway.
- (4) This section shall not apply to the driver of any vehicle owned by a public utility or road construction company and stopped for the purpose of construction, repairs or installations.
- (5) Penalties for violations of this section are: First Offense - \$ 50.00 plus court costs; second and additional offenses \$100.00 plus court costs.

**Authority:** T.C.A. §§65-15-106 and 65-15-113. **Administrative History:** Original rule filed November 15, 1990; effective February 27, 1991. Amendment filed December 15, 1993; effective April 30, 1994. Rule 1340-6-1-.45 was transferred from rule 1220-2-1-.45 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.46 RECOMMENDED FINES FOR MOTOR CARRIER SAFETY VIOLATIONS.**

- (1) Every officer, agent or employee of any corporation and every other person who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand or requirement of the Commissioner of Safety made in pursuance of the power and authority conferred by Chapter 15 of Title 65 of the T.C.A., shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding \$500, or by imprisonment for not more than one year, or both, in the discretion of the court.
- (2) It is the policy of the Commissioner of Safety that any such violation should result in the imposition of a fine no less than the amounts listed below and that these fines should be uniformly imposed throughout the State.
- (3) To accomplish this policy, Commissioner of Safety motor carrier enforcement officers shall consult with the judges and district attorneys in the various jurisdictions in which these violations are prosecuted and, absent unusual and compelling circumstances, the officers shall recommend that the following fines be imposed for violations of the Commissioner of Safety rules listed below:

Violation and Fine

- |     |   |       |
|-----|---|-------|
| (a) | No record of duty status, 49 CFR §395.8 (a)         |       |
|     | Minimum violation                                   | \$150 |
|     | Willful and intentional violation                   | \$500 |
| (b) | Falsifying record of duty status, 49 CFR §395.8 (e) |       |

(Rule 1340-6-1-.46, continued)

- |  |                                   |       |
|--|-----------------------------------|-------|
|  | Minimum violation                 | \$150 |
|  | Willful and intentional violation | \$500 |
- (c) Failure to maintain current record of duty status, 49 CFR§395.8 (f) \$125
  - (d) Driver exceeding the 10-hour driving, rule, 49 CFR§395.3 (a) \$125
  - (e) Driver exceeding the 15-hour driving rule, 49 CFR §395.3 (a) \$125
  - (f) Driver exceeding the 70-hour driving rule, 49 CFR §395.3 (b) \$125
  - (g) Possession or consumption of alcohol, 49 CFR §392.5 \$500
  - (h) Possession or consumption of Schedule 1 through Schedule 7 drugs, 49 CFR §392.4 \$500
  - (i) Driver of a commercial motor vehicle having more than one driver's license,  
49 CFR §U311 \$500
- (4) Every motor vehicle subject to the safety jurisdiction of the Commissioner of Safety must stop for inspection at any designated Commissioner of Safety inspection station or stop at a safe roadside location if directed by a Commissioner of Safety enforcement officer. Failure to stop at a Commissioner of Safety inspection station may be excused if to do so would create a serious traffic hazard. Violation of this rule is punishable by a recommended fine of \$250.
  - (5) A citation shall be issued upon discovery of three or more "out-of-service" violations. In determining whether or not an out-of-service violation exists, the Commissioner of Safety's officers shall be guided by the Commercial Vehicle Safety Alliance Memorandum of Understanding.
    - (a) When a citation is issued for three out-of-service violations, the recommended fine for the first such offense shall be \$50 plus \$50 for each additional (after three) out-of-service violation.
    - (b) The recommended fine for the second offense involving the same piece of equipment within the same calendar year shall be \$ 100. 00 plus \$ 100 for each additional (after three) out-of-service violation.
    - (c) The recommended fine for the third offense involving the same piece of equipment within the same year shall be \$150 plus \$150 for each additional (after three) out-of-service violation.
  - (6) Each violation of a regulation pertaining to the transportation of hazardous materials found in 49 CFR 170 through 178, (excluding 49 CFR §177.804) and 49 CFR Parts 397 shall result in a recommended fine of \$100.
  - (7) The recommended fine for violation of a Commissioner of Safety rule not listed here shall be \$25 for the first offense, \$50 for the second offense, and \$100 for the third offense. The recommended punishment for violation of any order, decision, direction, demand or requirement of the Commissioner of Safety shall be determined by the arresting officer following consultation with his or her superiors and shall be based on the facts and circumstances of each violation.
  - (8) It is the policy of the Commissioner of Safety that a Commissioner of Safety enforcement officer must have probable cause to believe that a violation has occurred before arresting any person for the illegal possession or consumption of alcohol.

**Authority:** T.C.A. §§65 -15-104, 65-15-113, and 65-15-122. **Administrative History:** Original rule filed November 10, 1986; effective December 25, 1986. Amendment filed February 29, 1988; effective May 29, 1988. Rule 1340-6-

(Rule 1340-6-1-.46, continued)

*1-.46 was transferred from rule 1220-2-1-.46 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.47 ROUTINE OF HAZARDOUS MATERIAL ‘VEHICLES IN KNOX COUNTY, TENNESSEE.**

No person shall drive or cause to be driven a motor vehicle carrying a placardable quantity of hazardous material as specified in Title 49 of the Code of Federal Regulations Part 172.500 through 172.558 along or upon Interstate 40 or Interstate 275 in Knox County, Tennessee, between the intersection of said interstates with Interstate 640 on the west, north or east. This prohibition shall not apply to the following:

- (1) to motor vehicles which have shipments originating at or destined to the City of Knoxville and to service points on U.S. Highway 129 Blount County as verified by appropriate shipping papers.
- (2) to motor vehicles which have shipments to be interlined with other carriers or which have shipments transferred to other motor vehicles or aircraft of the same carrier at facilities located in the City of Knoxville or service points on U.S. Highway 129 in Blount County.
- (3) to motor vehicles which need emergency repairs or warranty work performed at authorized dealers or repair facilities as may be verified by a physical inspection of the vehicle, by warranty papers in the vehicle, or by other means of verification used by the investigating officer.

**Authority:** T.C.A. §§65-2-102(2) and 65-15-113. **Administrative History:** Original rule filed March 31, 1987; effective May 15, 1987. Rule 1340-6-1-.47 was transferred from rule 1220-2-1-.47 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.48 RESERVED.**

**1340-6-1-.49 LIGHTING REQUIREMENTS FOR STOPPING AND STANDING SOLID WASTE VEHICLES.**

- (1) The term “solid waste vehicle” as used in this rule shall mean solid waste vehicles as defined in T.C.A. §55-8-101.
- (2) This rule applies to solid waste vehicles which are:
  - (a) operating for the sole purpose of collecting municipal solid waste as defined in T.C.A. §68-211-802(a)(10) or recyclable materials; and
  - (b) stopping or standing on a paved or improved main traveled portion of a road, street or highway.
- (3) The solid waste vehicles described in subsection (1) and (2) of this rule shall be required to do the following:
  - (a) Maintain flashing hazard lights at all times while the vehicle is stopped or standing; and
  - (b) Maintain amber lights meeting SAE color standards which may be rotating, flashing, or oscillating and which shall be mounted at the extreme front on the highest point of the cab of the vehicle and on the highest location on the extreme rear of the vehicle which assures the required visibility and which does not interfere with the collecting functions and equipment of the vehicle; and
  - (c) Assure that the vehicle is stopped so that all lights are visible from a distance of two hundred (200) feet in either direction upon the highway or road without manmade or natural obstruction.

(Rule 1340-6-1-.49, continued)

**Authority:** T.C.A. §§55-8-158, 65-15-101, and 65-15-113. **Administrative History:** Original rule filed March 28, 1995; effective June 13, 1995. Rule 1340-6-1-.49 was transferred from rule 1220-2-1-.49 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.50 DEFINITIONS APPLICABLE TO THE INSPECTION OF HOMEMADE AND MATERIALLY RECONSTRUCTED TRAILERS.**

- (1) The word “automobile” as used in the rules pertaining to homemade and materially reconstructed trailers shall mean a self-propelled land vehicle with four wheels propelled by an internal combustion engine which is designed primarily to carry passengers and incidental freight for a non-commercial purpose and which is required to register with the state pursuant to TCA. §55-4-111(c) or TCA. §55-4-112. This definition shall include cars, vans, and small trucks which do not register as a commercial vehicle under TCA. §55-4-113.
- (2) The word “trailer” shall be defined as described in TCA. §55-1-105(d);
- (3) The word “semi-trailer” shall be defined as described in TCA. §55-1-105(c);
- (4) The word “pole trailer” shall be defined as described in TCA. §55-1-105(b);
- (5) The word “homemade” shall be defined as described in TCA. §55-4-10](3)(A);
- (6) The word “materially reconstructed” shall be defined as described in TCA. §55-4-10](3)(B);
- (7) The word “commission” shall mean the Commissioner of Safety;

**Authority:** T.C.A. §§55-4-101 and 65-15-113. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.50 was transferred from rule 1220-2-1-.50 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.51 HOMEMADE AND/OR MATERIALLY RECONSTRUCTED TRAILERS, SEMI-TRAILERS AND POLE TRAILERS SUBJECT TO INSPECTION.**

- (1) This rule applies to trailers, semi-trailers, or pole trailers which are:
  - (a) homemade or materially reconstructed as defined in these rules; and
  - (b) required to be titled or registered under TCA. Title 55, Chapter 4.
- (2) This rule does not apply to any trailers, semi trailers, or pole trailers which are:
  - (a) trailers owned by farmers and used for agricultural purposes or hauling livestock between farm and market, and implements designed for carrying and distributing fertilizer as described in TCA. §55-4-113(a)(6)(c);
  - (b) trailers used solely for the transportation of boats for a non-commercial purpose;
  - (c) trailers drawn by an automobile for a noncommercial purpose except for house trailers (required to be registered under class (F) of TCA. §55-4-111) and rental trailers (required to be registered under TCA. §51-0411(d)).

(Rule 1340-6-1-.51, continued)

- (3) Any trailer, to which this rule applies as described in sections (1) and (2) of this rule, shall not be titled or registered for operation over the roads and highways of Tennessee nor shall it be operated, drawn, or pulled over state highways and roads until the PSC has certified that said trailer is in compliance with PSC trailer safety rules.

**Authority:** T.C.A. §§55-4-1 and 65-15-113. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.51 was transferred from rule 1220-2-1-.51 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.52 VIOLATION OF REQUIREMENTS FOR HOMEMADE OR MATERIALLY RECONSTRUCTED TRAILERS, SEMI-TRAILERS, AND POLE TRAILERS.**

- (1) Any person, organization, or entity found in violation of the provisions of T.C.A. §55-4-101 or T.C.A. §65-15113 or any rules promulgated pursuant thereto applicable to homemade or materially reconstructed trailers, semi trailers or pole trailers shall be subject to penalty as provided in T.C.A. §65-15-122.
- (2) Any trailer, semitrailer, or pole trailer, which is being operated, pulled or drawn in violation of T.C.A. §65-15113 and T.C.A. §55-4-101, and any rules promulgated pursuant thereto, shall be immediately placed out-of-service by the apprehending officer. Said trailer shall be out-of-service until it has passed a PSC trailer safety inspection in accordance with all applicable rules. The owner or operator of said trailer may arrange for towing of the out-of-service trailer to another location for repair at his own expense. The PSC shall not be responsible for towing or storage charges for trailers out-of-service in violation of these rules.

**Authority:** T.C.A. §§55-4-101, 65-15-113, and 65-15-122. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.52 was transferred from rule 1220-2-1-.52 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.53 APPLICATION FOR TRAILER SAFETY INSPECTION.**

- (1) Any person, organization, or entity owning or in possession of a homemade or materially reconstructed trailer, semi-trailer, or pole trailer may request a PSC trailer safety inspection on application forms furnished by the Commissioner of Safety.
- (2) PSC trailer safety inspection application forms shall be available from the Nashville office of the Commissioner of Safety or from any county motor vehicle registration office.
- (3) The applicant shall send a completed trailer safety inspection application form along with a non-refundable inspection fee of \$25.00 to the Nashville office of the PSC prior to scheduling for inspection.
- (4) Applicants which have failed previous inspections may re-apply for PSC inspection of trailers after the requisite repairs are made. The \$25.00 trailer inspection fee shall be required for each reinspection.
- (5) The PSC shall schedule inspection at the trailer location as expeditiously as possible after receipt of the completed application form and fee. Inspections shall only be scheduled during normal business hours and shall be confirmed in advance with the applicant.

**Authority:** T.C.A. §§55-4-101, 65-15-113, and 65-15-122. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.53 was transferred from rule 1220-2-1-.53 by the Secretary of State

(Rule 1340-6-1-.53, continued)

*with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.*

**1340-6-1-.54 TRAILER SAFETY INSPECTION PROCEDURE.**

- (1) After the RISC trailer safety inspection is conducted in accordance with PSC rules, the PSC inspector shall complete a trailer inspection report which shall include a list and description of any safety violations found, and the conclusions of the inspector as to whether the vehicle is in substantial compliance with applicable trailer safety rules. The inspector and the applicant shall both sign the form. The applicant shall be given the original of the inspection report.
- (2) If the inspected trailer is found to be in compliance with PSC trailer safety regulations, the PSC inspector shall issue a Trailer Safety Inspection Certificate and shall assign a safety certification number to the trailer. This number shall be noted on the inspection report and shall be permanently affixed to the body of the vehicle by the inspector.
- (3) If the inspected trailer is not found to be in compliance with PSC trailer safety regulations, the PSC inspector shall advise the applicant of his right to reapply for inspection after the safety violations are repaired. The applicant shall not be permitted to operate this trailer over state highways and roads until such time as A has passed a trailer safety inspection conducted by the PSC.

**Authority:** T.C.A. §§55-4-101, 65-15-113, and 65-15-122. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.54 was transferred from rule 1220-2-1-.54 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

**1340-6-1-.55 APPLICABLE SAFETY REGULATIONS FOR HOMEMADE AND MATERIALLY RECONSTRUCTED TRAILERS.**

- (1) The trailer safety rules and regulations to be applied to all homemade and materially reconstructed trailers subject to inspection by the PSC are the federal motor carrier safety regulations adopted by the PSC pursuant to rule 1340-6-1-.20, particularly those provisions found in 49 C.F.R. 393, and the safety requirements for trailers found in TCA. Title 55, Chapter 9.

**Authority:** T.C.A. §§55-4-101 and 614-14-11. **Administrative History:** Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-6-1-.55 was transferred from rule 1220-2-1-.55 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.